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<p style="text-align: right;">Page 1</p> <p>UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK -----X MARIA SUAREZ, PLAINTIFF, -against- Case No.: 2:19-cv-07271-GRB-SIL SOUTHERN GLAZER'S WINE AND SPIRITS OF NEW YORK LLC, DEFENDANTS. -----X DATE: November 21, 2022 TIME: 12:25 A.M. DEPOSITION of the Defendant, SOUTHERN GLAZER'S WINE AND SPIRITS OF NEW YORK LLC, by a Witness, DINA WALD-MARGOLIS, taken by the Plaintiff, pursuant to a Agreement and to the Federal Rules of Civil Procedure, held remotely via Zoom, before Sandra Sierra, a Notary Public of the State of New York.</p>	<p style="text-align: right;">Page 3</p> <p>1 2 FEDERAL STIPULATIONS 3 4 IT IS HEREBY STIPULATED AND AGREED 5 By and between (among) counsel for the 6 respective parties herein, that filing and 7 sealing be and the same are hereby waived. 8 9 IT IS FURTHER STIPULATED AND AGREED 10 that all objections, except as to the form 11 of the question, shall be reserved to the 12 time of the trial. 13 14 IT IS FURTHER STIPULATED AND AGREED 15 that the within deposition may be sworn to 16 and signed before any officer authorized to 17 administer an oath, with the same force and 18 effect as if signed and sworn to before the 19 Court. 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 2</p> <p>1 2 APPEARANCES: 3 4 MOSER LAW FIRM PC Attorneys for the Plaintiff 5 MARIA SUAREZ 3 School Street, Suite 207B 6 Glen Cove, New York 11542 BY: STEVEN MOSER, ESQ. 7 Smoser@moseremploymentlaw.com 8 9 CONSTANGY, BROOKS, SMITH & PROPHETE, LLP Attorneys for the Defendant 10 SOUTHERN GLAZER'S WINE AND SPIRITS OF NEW YORK LLC 620 Eighth Avenue, 38th Floor 11 New York, New York 10018 BY: ANJANETTE CABRERA, ESQ. 12 Acabrera@constangy.com 13 14 * * * 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 2 IT IS HEREBY STIPULATED AND AGREED by 3 and between counsel for all parties present 4 that this deposition is being conducted by 5 Videoconference, that the Court Reporter, 6 all counsel, and the witness are all in 7 separate remote locations and participating 8 via Videoconference (LegalView/Zoom/WebEx) 9 meeting under the control of Lexitas Court 10 Reporting Service, that the officer 11 administering the oath to the witness need 12 witness shall be sworn in remotely by the 13 Court Reporter after confirming the 14 witness's identity, that this 15 Videoconference will not be recorded in any 16 manner, and that any recording without the 17 express written consent of all parties 18 shall be considered unauthorized, in 19 violation of law, and shall not be used for 20 any purpose in this litigation or 21 otherwise. 22 23 24 25</p>

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<p style="text-align: right;">Page 5</p> <p>1 IT IS FURTHER STIPULATED that</p> <p>2 exhibits may be marked by the attorney</p> <p>3 presenting the exhibit to the witness, and</p> <p>4 that a copy of any exhibit presented to a</p> <p>5 witness shall be emailed to or otherwise in</p> <p>6 possession of all counsel prior to any</p> <p>7 questioning of a witness regarding the</p> <p>8 exhibit in question. All parties shall bear</p> <p>9 their own costs in the conduct of this</p> <p>10 deposition by Videoconference.</p> <p>11</p> <p>12</p> <p>13 * * *</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 7</p> <p>1 D. WALD-MARGOLIS</p> <p>2 in a case she is bringing against Southern</p> <p>3 Glazer's Wine and Spirits.</p> <p>4 I am here to ask some questions</p> <p>5 of you today. If you don't understand a</p> <p>6 question of mine, please don't answer it.</p> <p>7 Let me know and I will repeat or rephrase</p> <p>8 it as many times as necessary.</p> <p>9 If you would like to take a</p> <p>10 break for any reason, please let me know.</p> <p>11 Do you understand these</p> <p>12 instructions?</p> <p>13 A. Yes.</p> <p>14 Q. Are you under the influence of</p> <p>15 any narcotics or medication which would</p> <p>16 affect your ability to testify truthfully</p> <p>17 and accurately today?</p> <p>18 A. No.</p> <p>19 Q. I don't mean to insult you, but</p> <p>20 are you under the influence of any alcohol?</p> <p>21 A. No.</p> <p>22 Q. Can you think of any reason why</p> <p>23 you cannot testify truthfully and</p> <p>24 accurately today?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 6</p> <p>1 D. WALD-MARGOLIS</p> <p>2 DINA WALD-MARGOLIS,</p> <p>3 called as a witness, having been first duly</p> <p>4 sworn by a Notary Public of the State of</p> <p>5 New York, was examined and testified as</p> <p>6 follows:</p> <p>7 EXAMINATION BY</p> <p>8 MR. MOSER:</p> <p>9 Q. Please state your name for the</p> <p>10 record.</p> <p>11 A. Dina Wald-Margolis.</p> <p>12 Q. What is your address?</p> <p>13 A. 69-12 166th Street, Fresh</p> <p>14 Meadows, New York 11365.</p> <p>15 Q. Good afternoon, Mrs. Margolis.</p> <p>16 Should I address you as Wald-Margolis or</p> <p>17 Margolis?</p> <p>18 A. Wald-Margolis.</p> <p>19 Q. Is that Mrs.?</p> <p>20 A. It is.</p> <p>21 Q. Okay.</p> <p>22 A. Either one is acceptable.</p> <p>23 Q. Okay. Good afternoon, Mrs.</p> <p>24 Wald-Margolis. My name is Steven Moser. I</p> <p>25 am an attorney and I represent Maria Suarez</p>	<p style="text-align: right;">Page 8</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Have you ever been diagnosed</p> <p>3 with any memory issues?</p> <p>4 A. No.</p> <p>5 Q. Do you understand that the oath</p> <p>6 that you just took to tell the truth is the</p> <p>7 same oath that you would take in court in</p> <p>8 front of a judge and jury?</p> <p>9 A. Yes.</p> <p>10 Q. Are you represented by counsel</p> <p>11 today?</p> <p>12 A. Yes.</p> <p>13 Q. Who is representing you?</p> <p>14 A. Angie.</p> <p>15 Q. Okay. By "Angie," you mean</p> <p>16 Anjanette Cabrera?</p> <p>17 A. Yes.</p> <p>18 Q. Have you received any</p> <p>19 compensation or promise of compensation</p> <p>20 from anyone to testify here today?</p> <p>21 A. Just the money that was in the</p> <p>22 subpoena.</p> <p>23 Q. Have you received any</p> <p>24 compensation or promise of compensation</p> <p>25 from anyone to testify at trial?</p>

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<p style="text-align: right;">Page 9</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. No.</p> <p>3 Q. Are you being compensated for</p> <p>4 your time today, other than the witness fee</p> <p>5 that was included in the subpoena?</p> <p>6 A. No.</p> <p>7 Q. Do you have a Facebook profile?</p> <p>8 A. Yes.</p> <p>9 Q. And are you Facebook friends</p> <p>10 with any current or former employees of</p> <p>11 Southern Glazer Wine and Spirits?</p> <p>12 A. Yes.</p> <p>13 Q. With whom?</p> <p>14 A. Oh, boy. Michelle Maya, Andrea</p> <p>15 Melzer, Kim Gordon, Amy Silverberg, Nora</p> <p>16 Reyes, Frank Bernitt.</p> <p>17 Q. What is the last name, please?</p> <p>18 A. Bernitt.</p> <p>19 Q. Do you know how to spell that?</p> <p>20 A. B-E-R -- B as in boy,</p> <p>21 E-R-N-I-T-T. And I can't recall if there</p> <p>22 is any others.</p> <p>23 Q. Do you have any business or</p> <p>24 personal relation -- other than as Facebook</p> <p>25 friends, do you have any business or</p>	<p style="text-align: right;">Page 11</p> <p>1 D. WALD-MARGOLIS</p> <p>2 today?</p> <p>3 A. Yes.</p> <p>4 Q. For how long did you speak?</p> <p>5 A. I believe about an hour.</p> <p>6 Q. When was that?</p> <p>7 A. Friday.</p> <p>8 Q. When was the first time you</p> <p>9 communicated with Counsel regarding this</p> <p>10 case? Again, I don't want to know what you</p> <p>11 spoke about; that is privileged. I want to</p> <p>12 know when you spoke with Counsel for the</p> <p>13 first time.</p> <p>14 A. Can you clarify the question?</p> <p>15 Q. Did you speak with Ms. Cabrera</p> <p>16 on Friday or somebody else?</p> <p>17 A. Ms. Cabrera.</p> <p>18 Q. Before Friday, did you</p> <p>19 communicate with Ms. Cabrera or with any</p> <p>20 other counsel regarding this case?</p> <p>21 A. Yes.</p> <p>22 Q. When for the first time did you</p> <p>23 communicate with Counsel about this case?</p> <p>24 A. When I was notified that I was</p> <p>25 going to be called by you.</p>
<p style="text-align: right;">Page 10</p> <p>1 D. WALD-MARGOLIS</p> <p>2 personal relationship with any current or</p> <p>3 former employees of Southern Glazer's Wine</p> <p>4 and Spirits?</p> <p>5 A. No.</p> <p>6 Q. Have you ever used your</p> <p>7 Facebook profile to communicate about Maria</p> <p>8 Suarez?</p> <p>9 A. No.</p> <p>10 Q. Have you ever used your</p> <p>11 Facebook profile to communicate about your</p> <p>12 employment with Southern Glazer's Wine</p> <p>13 and Spirits?</p> <p>14 A. Can you restate the question?</p> <p>15 Q. Have you ever posted anything</p> <p>16 about your work at Southern Glazer's Wine</p> <p>17 and Spirits on your Facebook page or</p> <p>18 profile?</p> <p>19 A. I don't recall.</p> <p>20 Q. Before testifying today, did</p> <p>21 you do anything to prepare yourself?</p> <p>22 A. I met with Counsel.</p> <p>23 Q. And I don't want to know about</p> <p>24 what you spoke about with Counsel, but did</p> <p>25 you speak with Counsel to prepare for</p>	<p style="text-align: right;">Page 12</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Can you approximate the date?</p> <p>3 A. September or late August.</p> <p>4 Early September, mid-September.</p> <p>5 Q. Okay. So are you employed now?</p> <p>6 A. Yes.</p> <p>7 Q. Where are you employed?</p> <p>8 A. Skyline Windows.</p> <p>9 Q. For how long have you been</p> <p>10 employed by Skyline?</p> <p>11 A. About three and three-quarter</p> <p>12 years.</p> <p>13 Q. Is there anyone in the room</p> <p>14 with you now?</p> <p>15 A. No, no person; my cats are.</p> <p>16 Q. Okay. And what do you do for</p> <p>17 Skyline?</p> <p>18 A. Director of human resources.</p> <p>19 Q. Where did you work before</p> <p>20 Skyline?</p> <p>21 A. Logistic Care.</p> <p>22 Q. And how long did you work for</p> <p>23 Logistic Care?</p> <p>24 A. Two and a half years.</p> <p>25 Q. What did you do for Logistic</p>

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<p>1 D. WALD-MARGOLIS</p> <p>2 Care?</p> <p>3 A. Regional director of HR.</p> <p>4 Q. And as regional director of HR</p> <p>5 for Logistic Care, how many employees were</p> <p>6 you responsible for?</p> <p>7 A. I don't recall.</p> <p>8 Q. Is it 10, 15, 100, 1,000?</p> <p>9 A. Less than 1,000; maybe about</p> <p>10 100 or more.</p> <p>11 Q. How many employees work at</p> <p>12 Skyline?</p> <p>13 A. Four hundred.</p> <p>14 Q. Who do you report to at</p> <p>15 Skyline?</p> <p>16 A. CEO.</p> <p>17 Q. Are you the most senior HR</p> <p>18 person at Skyline?</p> <p>19 A. Yes.</p> <p>20 Q. Where did you work before</p> <p>21 Logistic Care?</p> <p>22 A. Southern Glazer's Wine and</p> <p>23 Spirits.</p> <p>24 Q. For the purposes of today, I am</p> <p>25 going to refer to Southern Wine and Spirits</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 11.</p> <p>3 Q. Bear with me one second.</p> <p>4 When you were hired in 2005,</p> <p>5 what was your job title?</p> <p>6 A. I believe it was an associate</p> <p>7 director of HR.</p> <p>8 Q. Who did you report to?</p> <p>9 A. The director of HR.</p> <p>10 Q. Who was it at that time?</p> <p>11 A. Oh, boy.</p> <p>12 Q. Was it Beth Toohig or was it</p> <p>13 someone else?</p> <p>14 A. It was someone else.</p> <p>15 Q. At some point, did your title</p> <p>16 change?</p> <p>17 A. Yes.</p> <p>18 Q. When did it change?</p> <p>19 A. I don't recall.</p> <p>20 Q. What was your new title?</p> <p>21 A. I don't recall what it changed</p> <p>22 to. There were various changes.</p> <p>23 Q. Okay. I am going to draw your</p> <p>24 attention to 2010; do you recall what your</p> <p>25 title was in 2010?</p>
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<p>1 D. WALD-MARGOLIS</p> <p>2 and Southern Glazer's Wine and Spirits as</p> <p>3 "Southern," do you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. So if I use the term</p> <p>6 "Southern," you will know what I am talking</p> <p>7 about?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know when the name</p> <p>10 changed?</p> <p>11 A. No, I don't.</p> <p>12 Q. Is it Southern Glazer's Wine</p> <p>13 and Spirits today?</p> <p>14 A. I have no knowledge.</p> <p>15 Q. Okay. When you worked there,</p> <p>16 was it Southern Glazer's Wine and Spirits</p> <p>17 or Southern Wine and Spirits?</p> <p>18 A. Southern Wine and Spirits.</p> <p>19 Q. And how many years did you work</p> <p>20 for Southern?</p> <p>21 A. I believe 11 or 12 years.</p> <p>22 2005.</p> <p>23 Q. Let's see if we can refresh</p> <p>24 your recollection.</p> <p>25 A. I started in January of '05, so</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 A. I don't recall.</p> <p>3 Q. How about in 2013?</p> <p>4 A. I don't recall.</p> <p>5 Q. What was the last title that</p> <p>6 you had at Southern?</p> <p>7 A. Talent acquisition.</p> <p>8 Q. For how long did you have that</p> <p>9 title, approximately?</p> <p>10 A. I don't recall.</p> <p>11 Q. And do you recall what your</p> <p>12 duties were in January 2013?</p> <p>13 A. No, I don't.</p> <p>14 Q. Did your duties change over the</p> <p>15 course of your employment or did they more</p> <p>16 or less remain the same?</p> <p>17 A. They changed.</p> <p>18 Q. Describe for me the duties that</p> <p>19 you had when you first started?</p> <p>20 A. I was responsible for</p> <p>21 establishing and coordinating the HR</p> <p>22 operation and payroll in the New York</p> <p>23 market.</p> <p>24 Q. As talent acquisition, towards</p> <p>25 the end of your employment, can you</p>

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<p>1 D. WALD-MARGOLIS</p> <p>2 describe what your job duties were then?</p> <p>3 A. Coordinating the statewide</p> <p>4 recruitment for the various positions</p> <p>5 within the New York State market.</p> <p>6 Q. When did you last work for</p> <p>7 Southern again?</p> <p>8 A. June of 2016.</p> <p>9 Q. As talent acquisition, were you</p> <p>10 responsible for hiring in the State of New</p> <p>11 York?</p> <p>12 A. No.</p> <p>13 Q. What was your geographic area?</p> <p>14 A. New York.</p> <p>15 Q. Was it the New York Metro? Was</p> <p>16 it just the Syosset warehouse?</p> <p>17 A. State of New York.</p> <p>18 Q. And so that would include</p> <p>19 Upstate New York?</p> <p>20 A. Yes.</p> <p>21 Q. And it would include all</p> <p>22 locations that were physically in the State</p> <p>23 of New York?</p> <p>24 A. Yes.</p> <p>25 Q. Would that also include</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 A. No.</p> <p>3 Q. Okay. You're very articulate.</p> <p>4 That is a good thing.</p> <p>5 So did you post any jobs for</p> <p>6 any managers in 2016 at the Syosset</p> <p>7 facility?</p> <p>8 A. No.</p> <p>9 Q. Were any managers hired at the</p> <p>10 Syosset facility in 2016?</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you recall the name of any</p> <p>13 manager that you were involved in</p> <p>14 recruiting?</p> <p>15 A. I don't recall.</p> <p>16 Q. Do you know someone by the name</p> <p>17 of Peter Lazar?</p> <p>18 A. Not that I am aware of.</p> <p>19 Q. Are you familiar with the</p> <p>20 records that are kept by Southern? How it</p> <p>21 recruits union employees?</p> <p>22 A. No, I am not.</p> <p>23 Q. How about when you were there?</p> <p>24 When you were there, were you involved in</p> <p>25 the recruitment of union employees? When I</p>
Page 18	Page 20
<p>1 D. WALD-MARGOLIS</p> <p>2 locations in Northern New Jersey?</p> <p>3 A. No.</p> <p>4 Q. Are you familiar with the</p> <p>5 Syosset warehouse?</p> <p>6 A. Yes.</p> <p>7 Q. For how long did you work at</p> <p>8 the Syosset location of Southern?</p> <p>9 A. For my entire career.</p> <p>10 Q. Your office was always at</p> <p>11 Underhill Boulevard in Syosset?</p> <p>12 A. Yes.</p> <p>13 Q. Were you involved in the hiring</p> <p>14 of any managers at the Syosset facility?</p> <p>15 A. Can you restate the question?</p> <p>16 Q. Well, what was your role as</p> <p>17 talent acquisition?</p> <p>18 A. It was my responsibility to</p> <p>19 coordinate the job vacancies, post for</p> <p>20 them, coordinate with the hiring manager</p> <p>21 for the interviews, and then take the</p> <p>22 direction from the hiring manager regarding</p> <p>23 the selection of candidate of choice.</p> <p>24 Q. Are you reading from anything</p> <p>25 right now?</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 say "recruitment," I mean the hiring,</p> <p>3 interviewing, any of that process?</p> <p>4 A. Can you further explain the</p> <p>5 question?</p> <p>6 Q. Okay. Can you describe for me</p> <p>7 if you had any role in hiring the union</p> <p>8 employees when you worked at Southern?</p> <p>9 A. I did not make a hiring</p> <p>10 decision for unionized employees.</p> <p>11 Q. Who made that decision?</p> <p>12 A. The hiring manager.</p> <p>13 Q. Are you familiar with what</p> <p>14 would be the process to fill a union</p> <p>15 position when you worked for Southern?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you recall anything about</p> <p>18 the process?</p> <p>19 A. There was an electronic system</p> <p>20 that was used to create requisitions and</p> <p>21 post for positions.</p> <p>22 Q. What information was stored</p> <p>23 electronically?</p> <p>24 A. The job description, shift is</p> <p>25 what I can recall.</p>

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<p style="text-align: right;">Page 21</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Were you involved in the hiring</p> <p>3 of nonunion employees at the Syosset</p> <p>4 employees?</p> <p>5 A. Talent acquisition handled all</p> <p>6 recruitment.</p> <p>7 Q. Including the recruitment at</p> <p>8 the Syosset facility?</p> <p>9 A. Yes.</p> <p>10 Q. When you were in talent</p> <p>11 acquisition, did Southern keep records of</p> <p>12 individuals that were hired?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What records were kept</p> <p>15 by Southern when you were working there</p> <p>16 regarding the hiring process?</p> <p>17 A. The information was on their</p> <p>18 recruiting profile platform.</p> <p>19 Q. What was the name of the</p> <p>20 platform?</p> <p>21 A. To the best of my recollection,</p> <p>22 I believe it was called "Tolleya"</p> <p>23 (phonetic).</p> <p>24 Q. Are you very familiar with that</p> <p>25 system?</p>	<p style="text-align: right;">Page 23</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Let's see if we can narrow down</p> <p>3 a time period here. Hold on one second.</p> <p>4 MR. MOSER: Do we have Exhibit</p> <p>5 14 premarked already.</p> <p>6 MS. HOLMS: Let me take a look</p> <p>7 at that. It has been marked.</p> <p>8 MR. MOSER: I would like to</p> <p>9 present it to the witness.</p> <p>10 MS. HOLMS: Okay. Let me get</p> <p>11 that up.</p> <p>12 Q. Mrs. Wald-Margolis, do you see</p> <p>13 the document on your screen?</p> <p>14 A. Yes, I can.</p> <p>15 MR. MOSER: Okay. And does she</p> <p>16 have the ability to scroll through</p> <p>17 this on her own or should she have</p> <p>18 the ability to scroll through it on</p> <p>19 her own?</p> <p>20 MS. HOLMS: No. Do you want me</p> <p>21 to scroll through?</p> <p>22 MR. MOSER: Okay. Let's do</p> <p>23 this. Let's mark it as Exhibit 14,</p> <p>24 and then she can take some time to</p> <p>25 look at it. Let's go off the record</p>
<p style="text-align: right;">Page 22</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Not now.</p> <p>3 Q. For how many years did you work</p> <p>4 on that system when you worked at Southern?</p> <p>5 A. From when they implemented it.</p> <p>6 Q. Do you recall approximately</p> <p>7 when they implemented it?</p> <p>8 A. I do not.</p> <p>9 Q. Who did you report to as -- in</p> <p>10 talent acquisition?</p> <p>11 A. Beth Toohig.</p> <p>12 Q. That is T-O-O-H-I-G?</p> <p>13 A. Yes.</p> <p>14 Q. For how long was Beth Toohig</p> <p>15 your supervisor?</p> <p>16 A. I don't recall.</p> <p>17 Q. Can you approximate?</p> <p>18 A. I have no idea when she</p> <p>19 started.</p> <p>20 Q. Do you know how many years she</p> <p>21 worked at Southern?</p> <p>22 A. No.</p> <p>23 Q. Have you spoken with any</p> <p>24 Southern employees about this case?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 24</p> <p>1 D. WALD-MARGOLIS</p> <p>2 for a second.</p> <p>3 (Whereupon, an off-the-record</p> <p>4 discussion was held.)</p> <p>5 Q. Mrs. Wald-Margolis, would you</p> <p>6 like some time to take a look at this</p> <p>7 document?</p> <p>8 A. I have seen the first page.</p> <p>9 MR. MOSER: Okay. So why don't</p> <p>10 we go back and let her look at each</p> <p>11 page until she has fairly reviewed</p> <p>12 it.</p> <p>13 Q. The ball is in your court, Mrs.</p> <p>14 Wald-Margolis. You can instruct the person</p> <p>15 to scroll up or down.</p> <p>16 THE WITNESS: Can you scroll to</p> <p>17 the next page, please?</p> <p>18 MS. HOLMS: Absolutely.</p> <p>19 THE WITNESS: I am sorry, can</p> <p>20 you please make that bigger. Thank</p> <p>21 you. Next page, please. Next page,</p> <p>22 please. If you scroll down, please.</p> <p>23 Next page, please. Next page,</p> <p>24 please. I am sorry, if you can go up</p> <p>25 a little. Okay, thank you. I just</p>

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<p style="text-align: right;">Page 25</p> <p>1 D. WALD-MARGOLIS</p> <p>2 didn't get to see that piece. Okay,</p> <p>3 full scroll down, please. Next page,</p> <p>4 please. Next page, please. Next</p> <p>5 page, please. Thank you.</p> <p>6 Q. Okay. Mrs. Wald-Margolis, do</p> <p>7 you know what this document is?</p> <p>8 A. It appears to be the</p> <p>9 requisition form.</p> <p>10 Q. For whom?</p> <p>11 A. I noted that the candidate's</p> <p>12 name was Maria Suarez.</p> <p>13 Q. Can you tell from looking at</p> <p>14 this document --</p> <p>15 MR. MOSER: Can I scroll</p> <p>16 through it? I can scroll through it,</p> <p>17 right? So, let's go down to the last</p> <p>18 page, okay.</p> <p>19 Q. Can you tell from looking at</p> <p>20 this when Maria Suarez began the</p> <p>21 application process?</p> <p>22 A. The date listed is March 3rd,</p> <p>23 2016.</p> <p>24 Q. Do you know when this job was</p> <p>25 posted?</p>	<p style="text-align: right;">Page 27</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Steve. I need -- we need to go off</p> <p>3 the record for one moment. Can I</p> <p>4 take two minutes.</p> <p>5 MR. MOSER: Okay.</p> <p>6 MS. CABRERA: I apologize.</p> <p>7 (Whereupon, a brief break was</p> <p>8 taken.)</p> <p>9 Q. So Mrs. Wald-Margolis, while</p> <p>10 you were on break, did you communicate via</p> <p>11 text message or any other means with</p> <p>12 Counsel?</p> <p>13 A. No.</p> <p>14 Q. And if we look at the far right</p> <p>15 column where it has your name, do you know</p> <p>16 what that means?</p> <p>17 A. I don't recall.</p> <p>18 Q. So you don't remember if this</p> <p>19 was intended to record actions that you</p> <p>20 took?</p> <p>21 A. I don't recall the Tolleya</p> <p>22 system.</p> <p>23 Q. And looking at this, do you</p> <p>24 know whether this records actions that you</p> <p>25 took?</p>
<p style="text-align: right;">Page 26</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. I do not.</p> <p>3 Q. Would that be contained on</p> <p>4 another type of form?</p> <p>5 A. I don't know.</p> <p>6 MR. MOSER: Okay. If you could</p> <p>7 just please scroll up. Go back down</p> <p>8 a little. Go all the way to the</p> <p>9 bottom. We are going to work our way</p> <p>10 up. There we go. Hold on, one more</p> <p>11 page down. Okay, good.</p> <p>12 Q. So when we see this notation on</p> <p>13 *SGWS-1645 "Status changed to meet basic</p> <p>14 qualifications."</p> <p>15 Do you see that?</p> <p>16 A. Thank you for showing that. I</p> <p>17 see what you're speaking of.</p> <p>18 Q. To the right of that, it has</p> <p>19 your name, right?</p> <p>20 A. Yes, my name is listed.</p> <p>21 Q. Can you tell me what this</p> <p>22 information means?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay.</p> <p>25 MS. CABRERA: I am sorry,</p>	<p style="text-align: right;">Page 28</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. I don't know.</p> <p>3 MR. MOSER: Okay. If you could</p> <p>4 keep scrolling up.</p> <p>5 Q. Okay. So you don't remember</p> <p>6 what any of the notations on this document</p> <p>7 mean and in that spreadsheet in which there</p> <p>8 were columns and your name was on the right</p> <p>9 side?</p> <p>10 A. That's correct.</p> <p>11 Q. For how long did you use the</p> <p>12 Tolleya system?</p> <p>13 A. I don't recall.</p> <p>14 Q. Did you use it for more than a</p> <p>15 year?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you know, can you give me</p> <p>18 any approximation when they implemented it?</p> <p>19 A. I have no recollection of when</p> <p>20 they implemented it.</p> <p>21 MR. MOSER: So let's move on to</p> <p>22 the next -- let me see something</p> <p>23 here. Bear with me a second.</p> <p>24 Let's present the witness with</p> <p>25 the document to be marked 15.</p>

7 (Pages 25 to 28)

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<p style="text-align: right;">Page 29</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Mrs. Wald-Margolis, do you</p> <p>3 recognize this document?</p> <p>4 A. No.</p> <p>5 Q. Do you know what any of the</p> <p>6 information on this document means?</p> <p>7 A. Looks like it's the requisition</p> <p>8 report.</p> <p>9 Q. For what?</p> <p>10 A. Whatever the title of the</p> <p>11 position is.</p> <p>12 MR. MOSER: Okay. So if we go</p> <p>13 back to the first page.</p> <p>14 Q. Do you know what this first</p> <p>15 line means, "Requisition filled"?</p> <p>16 A. Means that the requisition or</p> <p>17 the position has been filled.</p> <p>18 Q. And what was the process for</p> <p>19 creating a requisition in Southern?</p> <p>20 A. I don't recall.</p> <p>21 Q. How many requisitions did you</p> <p>22 create when you were at Southern?</p> <p>23 A. I don't recall.</p> <p>24 Q. Was it more than one?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 31</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. I am sorry, there is a</p> <p>3 feedback. There is somebody that has an</p> <p>4 echo. It's very hard to hear.</p> <p>5 MS. CABRERA: Steve, do you</p> <p>6 have a cell phone next to your</p> <p>7 computer because sometimes that</p> <p>8 interferes. But, yeah, I hear it.</p> <p>9 THE REPORTER: I hear it, too.</p> <p>10 MS. CABRERA: It went away.</p> <p>11 Q. So, Mrs. Wald-Margolis, do you</p> <p>12 remember who Kevin Randall was?</p> <p>13 A. He was in the operations role.</p> <p>14 Q. Can you be more specific?</p> <p>15 A. I don't recall his exact title,</p> <p>16 if it was director or manager, but he was</p> <p>17 on the operations side.</p> <p>18 MR. MOSER: Okay. Let's close</p> <p>19 this out. And let's go to -- let me</p> <p>20 see here.</p> <p>21 Q. Do you know who Tanisha Durant</p> <p>22 is?</p> <p>23 A. I don't recall.</p> <p>24 Q. Do you remember the name</p> <p>25 Tanisha Durant?</p>
<p style="text-align: right;">Page 30</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Was it more than 100?</p> <p>3 A. I don't recall.</p> <p>4 Q. Can you give me any approximate</p> <p>5 whatsoever of how many requisitions you</p> <p>6 created?</p> <p>7 A. I can't.</p> <p>8 Q. Is that something that Southern</p> <p>9 would have?</p> <p>10 A. I don't know.</p> <p>11 MR. MOSER: Okay. Let's go</p> <p>12 down.</p> <p>13 Q. Have you ever seen this</p> <p>14 document before today?</p> <p>15 A. I am sorry. There is a</p> <p>16 feedback.</p> <p>17 Q. Okay. Let me repeat it.</p> <p>18 Have you seen this document</p> <p>19 before today?</p> <p>20 A. I don't recall.</p> <p>21 Q. Do you know who Kevin Randall</p> <p>22 is?</p> <p>23 A. I recall his name.</p> <p>24 Q. And other than recalling his</p> <p>25 name, do you recall anything else?</p>	<p style="text-align: right;">Page 32</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. It sounds familiar.</p> <p>3 Q. Okay. Other than the name</p> <p>4 sounding familiar, you can't describe for</p> <p>5 me who that is or give it any context?</p> <p>6 A. No, I cannot.</p> <p>7 MR. MOSER: Let's go to -- what</p> <p>8 exhibit number are we up to now? We</p> <p>9 should be up to 16, correct?</p> <p>10 MS. HOLMS: 16 would be the</p> <p>11 next exhibit.</p> <p>12 MR. MOSER: 16.</p> <p>13 MS. HOLMS: 16 would be the</p> <p>14 next exhibit.</p> <p>15 MR. MOSER: Let's go to what</p> <p>16 will be marked 19. This is a</p> <p>17 document that is Bates-stamped from</p> <p>18 prior litigation SWS-000240 to -- I</p> <p>19 will tell you the last page --</p> <p>20 SWS-000266.</p> <p>21 Q. Mrs. Wald-Margolis, do you</p> <p>22 recognize the first page of this document?</p> <p>23 THE WITNESS: Can it be made</p> <p>24 bigger? Please? Thank you.</p> <p>25 A. Yes, I recall it.</p>

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<p style="text-align: right;">Page 33</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Okay. What is this?</p> <p>3 A. This is a printout of an e-mail</p> <p>4 chain communication.</p> <p>5 Q. And does that e-mail chain end</p> <p>6 at SWS-240?</p> <p>7 A. I can't tell you where it ends.</p> <p>8 If that's the document that you are showing</p> <p>9 me, yes, that does say 240 at the end.</p> <p>10 Q. If we look at SWS-240, is this</p> <p>11 an e-mail that was sent from Maria Suarez</p> <p>12 to John Wilkinson?</p> <p>13 THE WITNESS: Thank you for</p> <p>14 enlarging that.</p> <p>15 A. This is a document of various</p> <p>16 e-mail communications.</p> <p>17 Q. The one on the bottom that was</p> <p>18 sent on Thursday, May 2nd, 2013, is this an</p> <p>19 e-mail that was sent from Maria Suarez to</p> <p>20 John Wilkinson?</p> <p>21 A. Can you clarify the timing of</p> <p>22 the e-mail?</p> <p>23 Q. Well, it says here it was sent</p> <p>24 on Thursday, May 2nd of 2013 at 11:37 a.m.</p> <p>25 I am talking about that section of e-mail</p>	<p style="text-align: right;">Page 35</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Maria Suarez?</p> <p>3 A. Yes. The "To" and "From" is</p> <p>4 from me to Maria.</p> <p>5 Q. Okay. And did John Wilkinson</p> <p>6 forward Maria's e-mail to you?</p> <p>7 THE WITNESS: Can the e-mail</p> <p>8 chain be scrolled down? Thank you.</p> <p>9 A. As noted in the document, it</p> <p>10 was.</p> <p>11 Q. Okay. And is it fair to say</p> <p>12 that he forwarded this to you at 1:01 p.m.?</p> <p>13 A. As noted on the document, 1:01</p> <p>14 p.m. is showing.</p> <p>15 Q. And when did you respond?</p> <p>16 A. As noted on the document,</p> <p>17 Thursday, May 2nd, 2013, 1:30 p.m.</p> <p>18 Q. Did you send this e-mail?</p> <p>19 A. As noted in the e-mail, I am in</p> <p>20 the "From."</p> <p>21 Q. Okay. Did you send the e-mail?</p> <p>22 A. As noted, that's my name.</p> <p>23 Q. Okay. Did you type this</p> <p>24 information?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 34</p> <p>1 D. WALD-MARGOLIS</p> <p>2 chain. Was that e-mail sent from Maria</p> <p>3 Suarez to John Wilkinson?</p> <p>4 A. The e-mail on the screen is not</p> <p>5 11:37.</p> <p>6 MS. HOLMS: I need to scroll</p> <p>7 down to page 2.</p> <p>8 MR. MOSER: Yes, it's the</p> <p>9 second page.</p> <p>10 A. Can you please repeat your</p> <p>11 question?</p> <p>12 Q. Yes. This first step in the</p> <p>13 chain, is this an e-mail that was sent from</p> <p>14 Maria to John Wilkinson?</p> <p>15 A. As noted in the "To" and</p> <p>16 "From," it was from Maria to John.</p> <p>17 Q. And then if we move up the next</p> <p>18 step in the chain, is that an e-mail from</p> <p>19 you to Maria Suarez?</p> <p>20 A. Can you please clarify your</p> <p>21 questions?</p> <p>22 Q. If we look at SWS-240 at the</p> <p>23 bottom half of the page, and this is dated</p> <p>24 Thursday, May 2nd, 2013, at 1:30 p.m., is</p> <p>25 this an e-mail that was sent from you to</p>	<p style="text-align: right;">Page 36</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Okay. And I am going to read</p> <p>3 this into the record. This is your e-mail</p> <p>4 from you to Maria Suarez dated May 2nd,</p> <p>5 2013. It says here: "Thank you for</p> <p>6 bringing this to our attention. Allow me</p> <p>7 to clarify how the employees are</p> <p>8 classified. All of them have the title of</p> <p>9 inventory control clerk assigned to the</p> <p>10 warehouse days department. The subcategory</p> <p>11 seems to be different for three out of the</p> <p>12 four employees. There are various reasons</p> <p>13 why this may have happened, none of which I</p> <p>14 guarantee you was based on gender."</p> <p>15 How were you able to guarantee</p> <p>16 that the classification was not based upon</p> <p>17 gender at approximately 1:30 p.m.?</p> <p>18 A. Because no acts of</p> <p>19 discriminatory practices were done.</p> <p>20 Q. So there was never any</p> <p>21 discrimination at Southern?</p> <p>22 A. Based upon the classification</p> <p>23 in this e-mail, no.</p> <p>24 Q. And can you be more specific as</p> <p>25 to how you were able to guarantee that this</p>

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<p style="text-align: right;">Page 37</p> <p>1 D. WALD-MARGOLIS</p> <p>2 was not based upon gender?</p> <p>3 A. I can't recall the specifics.</p> <p>4 Q. Okay. But for whatever reason,</p> <p>5 you were able to guarantee it, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. That's before you</p> <p>8 conducted any investigation; is that</p> <p>9 correct?</p> <p>10 MS. CABRERA: Objection to the</p> <p>11 form of the question.</p> <p>12 Q. At the time you sent this</p> <p>13 e-mail at 1:30 p.m., had you conducted any</p> <p>14 information into the claims that were made?</p> <p>15 A. I don't recall.</p> <p>16 Q. Do you recall whether you</p> <p>17 looked up any information for any of these</p> <p>18 employees before responding?</p> <p>19 A. I don't recall.</p> <p>20 Q. In your opinion, did Southern</p> <p>21 Wine and Spirits take claims of</p> <p>22 discrimination seriously?</p> <p>23 A. Yes.</p> <p>24 Q. And in your opinion, did</p> <p>25 Southern Wine and Spirits thoroughly</p>	<p style="text-align: right;">Page 39</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Suarez to you?</p> <p>3 A. Yes. As noted, it was from</p> <p>4 Maria to me.</p> <p>5 Q. When you received this e-mail,</p> <p>6 was it your understanding that Maria Suarez</p> <p>7 had communicated with her subordinates</p> <p>8 regarding alleged discrimination?</p> <p>9 MS. CABRERA: Objection to the</p> <p>10 form of the question.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: Yes. I am just</p> <p>13 rereading the e-mail.</p> <p>14 A. Can you repeat your question,</p> <p>15 please?</p> <p>16 Q. Was it your understanding, when</p> <p>17 you received this e-mail from Maria Suarez</p> <p>18 at 1:54 p.m., that she had discussed the</p> <p>19 different classification with her</p> <p>20 employees?</p> <p>21 A. I can't recall what Maria spoke</p> <p>22 to her staff.</p> <p>23 Q. Did you understand she had --</p> <p>24 at least that she had spoken to her staff</p> <p>25 about this particular topic?</p>
<p style="text-align: right;">Page 38</p> <p>1 D. WALD-MARGOLIS</p> <p>2 investigate any claim of discrimination?</p> <p>3 A. Can you be more specific?</p> <p>4 Q. Well, was there a process to be</p> <p>5 filed if a claim of discrimination was</p> <p>6 made?</p> <p>7 A. I believe there was.</p> <p>8 Q. What was that process?</p> <p>9 A. To the best of my recollection,</p> <p>10 it would be reported through HR and/or to</p> <p>11 corporate and then investigated.</p> <p>12 Q. And how would it be</p> <p>13 investigated?</p> <p>14 A. By whoever was designated to</p> <p>15 investigate it.</p> <p>16 Q. Were you designated to</p> <p>17 investigate this particular complaint?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall when you began</p> <p>20 your investigation?</p> <p>21 A. I don't recall.</p> <p>22 MR. MOSER: Let's look at the</p> <p>23 next chain in the e-mail from May</p> <p>24 2nd, 2013, at 1:54 p.m.</p> <p>25 Q. Is that an e-mail from Maria</p>	<p style="text-align: right;">Page 40</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Yes. Based upon her e-mail,</p> <p>3 she said she spoke to her team about the</p> <p>4 topic.</p> <p>5 Q. If we look at May 2nd, 2013, at</p> <p>6 2:33 p.m., you respond to her: "Sure,</p> <p>7 please let me know how this came about so I</p> <p>8 can address all aspects."</p> <p>9 What did you mean by that</p> <p>10 question?</p> <p>11 A. Maria presented to John a</p> <p>12 statement of information, which I needed to</p> <p>13 gain a better understanding as to what she</p> <p>14 was speaking of to understand, as I noted</p> <p>15 in the e-mail, all of the aspects to be</p> <p>16 able to meet with her team and address it.</p> <p>17 Q. Okay. So what did you need to</p> <p>18 know? When you say "how this came about,"</p> <p>19 what are you referring to?</p> <p>20 A. The allegation that Maria</p> <p>21 presented.</p> <p>22 Q. So you wanted to know how --</p> <p>23 can you be more specific as to what you</p> <p>24 were asking for?</p> <p>25 A. To understand what Maria was</p>

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<p style="text-align: right;">Page 41</p> <p>1 D. WALD-MARGOLIS</p> <p>2 looking at, see from her side what she was</p> <p>3 speaking of, and what had been communicated</p> <p>4 to her team to then be able to speak with</p> <p>5 them.</p> <p>6 Q. Okay. So at least in part, you</p> <p>7 wanted to know what Maria told her</p> <p>8 subordinates; is that fair to say?</p> <p>9 A. Correct.</p> <p>10 Q. And why did you want to know</p> <p>11 what Maria told her subordinates?</p> <p>12 A. That is what goes into the</p> <p>13 course of an investigation.</p> <p>14 Q. Did she ever tell you what she</p> <p>15 had told her subordinates?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you have any knowledge today</p> <p>18 what she told her subordinates?</p> <p>19 A. I don't recall.</p> <p>20 MR. MOSER: Let's bring up --</p> <p>21 A. Before we bring that up, may I</p> <p>22 have a moment, please.</p> <p>23 Q. Sure. Take your time. Do you</p> <p>24 need a minute?</p> <p>25 A. Like a couple moments to get</p>	<p style="text-align: right;">Page 43</p> <p>1 D. WALD-MARGOLIS</p> <p>2 read out loud, starting from the top</p> <p>3 because, again, I think I can decipher what</p> <p>4 it means, but it would be better to be read</p> <p>5 from the person who actually wrote it.</p> <p>6 A. If you can make it a little</p> <p>7 smaller because the screen of pictures...</p> <p>8 Q. Okay. Is that too small? Is</p> <p>9 that okay?</p> <p>10 A. That should be okay.</p> <p>11 "5/16" -- excuse me, "5/6/15,</p> <p>12 Dina, Tatiana, Ena, and Josie, rates of pay</p> <p>13 within the departments S/B" -- for "should</p> <p>14 be" -- "part of warehouse. Can't get top</p> <p>15 pay. Ena and Tatiana S/B" -- should be --</p> <p>16 "making more money. Feel that has" -- can</p> <p>17 you move the cursor?</p> <p>18 Q. Okay.</p> <p>19 A. Thank you. "Minority/women.</p> <p>20 Justin being paid more. How can Justin be</p> <p>21 classified as WHSE" -- for "warehouse" --</p> <p>22 "if he was last one hired. Had worked 40</p> <p>23 hours as nonunion and decreased to 35 hours</p> <p>24 with union and without compensation for</p> <p>25 lost hours. Ronnie was their contact who</p>
<p style="text-align: right;">Page 42</p> <p>1 D. WALD-MARGOLIS</p> <p>2 some water.</p> <p>3 Q. Okay.</p> <p>4 MS. CABRERA: Let's take a</p> <p>5 ten-minute break now. Steven, we</p> <p>6 will be back in ten minutes.</p> <p>7 MR. MOSER: Fine.</p> <p>8 (Whereupon, a brief break was</p> <p>9 taken.)</p> <p>10 MR. MOSER: Sandra and Pamela,</p> <p>11 is there a way for me to manipulate</p> <p>12 separately a document and show it to</p> <p>13 the witness?</p> <p>14 MS. HOLMS: If I can hand over</p> <p>15 sharing to you. Now you can screen</p> <p>16 share.</p> <p>17 MR. MOSER: Okay.</p> <p>18 Q. I am scrolling to the page that</p> <p>19 is Bates-stamped SWS-00242 of Exhibit 16.</p> <p>20 Do you recognize the</p> <p>21 handwriting on this document?</p> <p>22 A. Yes.</p> <p>23 Q. Whose handwriting is it?</p> <p>24 A. It's mine.</p> <p>25 Q. Okay. And can you just please</p>	<p style="text-align: right;">Page 44</p> <p>1 D. WALD-MARGOLIS</p> <p>2 said medical insurance (free with union)</p> <p>3 was the compensation equivalent. Ronnie</p> <p>4 told them he spoke with management and</p> <p>5 management denied compensation for loss of</p> <p>6 hours due to cost factor" -- if you will</p> <p>7 kindly scroll up. Thank you.</p> <p>8 "Spoke with Frank from union.</p> <p>9 He said they would have to go tonight and</p> <p>10 throw cases. How can union say that. Who</p> <p>11 would do their job. They trained Justin so</p> <p>12 why he's making more. Inventory job</p> <p>13 description was given to HR while ago."</p> <p>14 Q. Okay. Are these notes of a</p> <p>15 meeting you had with them?</p> <p>16 A. Yes.</p> <p>17 Q. Was this an in-person meeting?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recognize the</p> <p>20 handwriting on this document?</p> <p>21 MR. MOSER: And this is, just</p> <p>22 for the record, this is page</p> <p>23 Bates-stamped SWS-00243.</p> <p>24 A. Yes. I recognize the</p> <p>25 handwriting.</p>

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<p style="text-align: right;">Page 45</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Is that your handwriting?</p> <p>3 A. Yes, it is.</p> <p>4 Q. Is this a document that you</p> <p>5 created?</p> <p>6 A. I don't know who created the</p> <p>7 document.</p> <p>8 Q. You don't recall if you created</p> <p>9 it or somebody else did?</p> <p>10 A. That's correct.</p> <p>11 Q. Okay. If you were responsible</p> <p>12 for investigating it, should you have been</p> <p>13 the one to prepare this information?</p> <p>14 A. Can you restate your question?</p> <p>15 Q. Well, typically, if you were</p> <p>16 the one conducting the investigation into</p> <p>17 the allegations, would you also be the one</p> <p>18 preparing documents relating to it?</p> <p>19 A. If this was the document that</p> <p>20 was provided by Maria to me in the course</p> <p>21 of investigation, then, no, I wouldn't have</p> <p>22 prepared it.</p> <p>23 Q. Do you know whether this was</p> <p>24 prepared by Maria or someone else?</p> <p>25 A. I don't recall.</p>	<p style="text-align: right;">Page 47</p> <p>1 D. WALD-MARGOLIS</p> <p>2 between Local 1 and Southern Glazer's Wine</p> <p>3 and Southern Wine and Spirits at the time</p> <p>4 this document was created, were there two</p> <p>5 classifications of employees?</p> <p>6 A. I don't know when this document</p> <p>7 was created.</p> <p>8 Q. So let's go back to 5/14/13.</p> <p>9 A. Those are the dates of my</p> <p>10 notes.</p> <p>11 Q. Yes. On the dates that your</p> <p>12 notes were created, were there two broad</p> <p>13 classifications of employees in Local 1?</p> <p>14 A. Yes. Within the collective</p> <p>15 bargaining agreement.</p> <p>16 Q. And those classifications were</p> <p>17 clerical and warehouse, correct?</p> <p>18 A. Correct.</p> <p>19 Q. This *WCCC text does not refer</p> <p>20 to their classification under the</p> <p>21 collective bargaining agreement?</p> <p>22 A. Correct; it does not.</p> <p>23 Q. And how do you know that?</p> <p>24 A. Because it's called Workers'</p> <p>25 Compensation and related to the billing for</p>
<p style="text-align: right;">Page 46</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. And if you could please read</p> <p>3 into the record your handwriting?</p> <p>4 A. If you could kindly shrink it</p> <p>5 just a little bit.</p> <p>6 Q. Okay.</p> <p>7 A. Thank you. "5/14/13, reviewed</p> <p>8 with Beth, approved to respond with</p> <p>9 information on WC" -- standing for</p> <p>10 "Workers' Comp text" -- "if Catherine</p> <p>11 confirms this was issue we discovered in</p> <p>12 the winter. Not a corp issue, look into</p> <p>13 wages. 5/15/13 Catherine confirmed WC" --</p> <p>14 for "Workers' Compensation" -- "text would</p> <p>15 be part of the OSHA review being done by</p> <p>16 Mike Muñoz."</p> <p>17 Q. What does Workers' Compensation</p> <p>18 text or WC text refer to?</p> <p>19 A. As noted in the last column of</p> <p>20 the document on the far right, that is the</p> <p>21 Workers' Comp text. That is the Workers'</p> <p>22 Compensation for Workers' Compensation</p> <p>23 Insurance classification of a position.</p> <p>24 Q. And under the collective</p> <p>25 bargaining agreement that was in effect</p>	<p style="text-align: right;">Page 48</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Workers' Compensation.</p> <p>3 Q. Were there any other underlying</p> <p>4 documents that would have been used or</p> <p>5 could have been used to create this</p> <p>6 document?</p> <p>7 A. I don't know the origin of that</p> <p>8 document.</p> <p>9 Q. Did you ever review any</p> <p>10 underlying documents to verify where this</p> <p>11 WCCC text column came from?</p> <p>12 A. Yes.</p> <p>13 Q. What did you review?</p> <p>14 A. As noted in my notes, Catherine</p> <p>15 was the CFO. That's Catherine Spend was</p> <p>16 the CFO. We identified across the board</p> <p>17 that there were various issues with</p> <p>18 misclassifications even as noted on the WCC</p> <p>19 text. You will see it says "Upstate" and</p> <p>20 these were not Upstate New York employees.</p> <p>21 Q. Did you personally review the</p> <p>22 underlying records to determine whether or</p> <p>23 not these were actually the Workers'</p> <p>24 Compensation classifications?</p> <p>25 A. No.</p>

12 (Pages 45 to 48)

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<p style="text-align: right;">Page 49</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Where did you get the</p> <p>3 information that these were actually</p> <p>4 Workers' Compensation classifications and</p> <p>5 did not relate to classifications under the</p> <p>6 collective bargaining agreement?</p> <p>7 A. This was -- as noted in the</p> <p>8 notes that this was part of the --</p> <p>9 Catherine confirmed this was the issue that</p> <p>10 was discovered over the winter. There were</p> <p>11 various classification issues that impacted</p> <p>12 the Workers' Compensation classifications,</p> <p>13 which impacted the insurance, which was</p> <p>14 going to be corrected in a one-time deal in</p> <p>15 January.</p> <p>16 MR. MOSER: And so can you read</p> <p>17 back the question for the witness.</p> <p>18 (Whereupon, the referred to</p> <p>19 question was read back by the</p> <p>20 Reporter.)</p> <p>21 A. So what's the question?</p> <p>22 Q. Where did you get the</p> <p>23 information that these classifications</p> <p>24 refer to Workers' Compensation and not the</p> <p>25 collective bargaining agreement?</p>	<p style="text-align: right;">Page 51</p> <p>1 D. WALD-MARGOLIS</p> <p>2 across the country.</p> <p>3 Q. So the time sheets, right, that</p> <p>4 Maria was looking at, do they have Workers'</p> <p>5 Compensation classifications on them?</p> <p>6 A. I don't recall.</p> <p>7 Q. Were you involved in processing</p> <p>8 payroll?</p> <p>9 A. I was not.</p> <p>10 Q. Were you ever involved in</p> <p>11 processing payroll?</p> <p>12 A. I was not.</p> <p>13 Q. How many different pay stubs</p> <p>14 did you have the opportunity to review when</p> <p>15 you were at Southern?</p> <p>16 A. None.</p> <p>17 Q. Okay. Did you get pay stubs</p> <p>18 for yourself?</p> <p>19 A. I am sure I did.</p> <p>20 Q. Did your pay stubs have your</p> <p>21 Workers' Compensation classification on</p> <p>22 them?</p> <p>23 A. I don't recall.</p> <p>24 Q. Okay. So you don't know if any</p> <p>25 of your pay stubs had your Workers'</p>
<p style="text-align: right;">Page 50</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Because this has nothing to do</p> <p>3 with the collective bargaining agreement.</p> <p>4 This was a corporate issue of</p> <p>5 misclassifications within the position</p> <p>6 characteristics.</p> <p>7 Q. Did you get that information</p> <p>8 verbally from Catherine?</p> <p>9 A. This was a -- yes, from --</p> <p>10 verbally from Catherine, and it was known</p> <p>11 across the board to all of Southern's HR</p> <p>12 and finance team.</p> <p>13 Q. But in this particular</p> <p>14 instance, the only information that you had</p> <p>15 that this particular classification related</p> <p>16 to Workers' Compensation and not the</p> <p>17 collective bargaining agreement was the</p> <p>18 document itself and something verbal that</p> <p>19 you got from Catherine; is that correct?</p> <p>20 MS. CABRERA: Objection to the</p> <p>21 form of the question.</p> <p>22 A. The issues regarding errors in</p> <p>23 classifications for positions, Workers'</p> <p>24 Comp, and location as noted Upstate, when</p> <p>25 these were not Upstate positions, was known</p>	<p style="text-align: right;">Page 52</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Compensation classification on them?</p> <p>3 A. I don't recall what my pay</p> <p>4 stubs looked like.</p> <p>5 Q. So the information could have</p> <p>6 been there; it could not have been there;</p> <p>7 we don't know. Is that fair to say?</p> <p>8 A. I don't know what was there,</p> <p>9 so...</p> <p>10 Q. You're not saying that it</p> <p>11 wasn't on there, you're saying you don't</p> <p>12 know if it was on there; is that correct?</p> <p>13 A. Correct.</p> <p>14 Q. I am going to draw your</p> <p>15 attention to SWS-244 and 245. If we look</p> <p>16 at 244, is this an e-mail from you to</p> <p>17 Josienne, Ena Scott, and Tatiana Herdozia.</p> <p>18 A. Can you clarify the date and</p> <p>19 time --</p> <p>20 Q. Sure.</p> <p>21 A. -- of the e-mail?</p> <p>22 Q. I am looking at an e-mail --</p> <p>23 for clarification SWS-244 -- an e-mail</p> <p>24 dated May 15, 2013, at 7:03 p.m.</p> <p>25 Did you send this e-mail to</p>

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<p style="text-align: right;">Page 53</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Josienne Sajous, Ena Scott, and Tatiana</p> <p>3 Herdozia?</p> <p>4 A. Yes. As noted, it was from me</p> <p>5 to Josienne, Ena, and Tatiana.</p> <p>6 Q. This was with regard to the</p> <p>7 concerns they raised at the May 6th</p> <p>8 meeting?</p> <p>9 A. Allow me the opportunity to</p> <p>10 read it so I understand it.</p> <p>11 Q. Sure.</p> <p>12 A. I can't confirm this was in</p> <p>13 response to the, I believe you said, May</p> <p>14 6th meeting.</p> <p>15 Q. Well, when we look at the</p> <p>16 subject --</p> <p>17 A. Yes, I am sorry. Yes. Sorry.</p> <p>18 That is correct. The subject line says</p> <p>19 "May 6th meeting."</p> <p>20 Q. Okay. When we look at the</p> <p>21 spreadsheet that is here, how did you</p> <p>22 create this spreadsheet?</p> <p>23 A. I don't recall.</p> <p>24 Q. You ran a report from the</p> <p>25 system. Did you ever make a printout of</p>	<p style="text-align: right;">Page 55</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. That is a cut and paste from</p> <p>3 the report.</p> <p>4 Q. Is the report an Excel</p> <p>5 spreadsheet?</p> <p>6 A. To the best of my recollection,</p> <p>7 yes.</p> <p>8 Q. As of the time that you wrote</p> <p>9 this e-mail, did you believe that there was</p> <p>10 any discrimination against women in the</p> <p>11 warehouse classification?</p> <p>12 A. No.</p> <p>13 Q. At the time that you wrote this</p> <p>14 e-mail, had you reviewed any documents</p> <p>15 other than the report that you ran?</p> <p>16 A. I don't recall.</p> <p>17 Q. As of this day, did you find</p> <p>18 any information which would suggest that</p> <p>19 Justin Veigh was actually hired as a</p> <p>20 warehouseman under the collective</p> <p>21 bargaining agreement?</p> <p>22 A. I don't recall.</p> <p>23 Q. If you had found evidence that</p> <p>24 he was actually classified a warehouseman,</p> <p>25 would you have included it in this e-mail?</p>
<p style="text-align: right;">Page 54</p> <p>1 D. WALD-MARGOLIS</p> <p>2 that actual report from the system itself?</p> <p>3 A. This would be the report from</p> <p>4 the system.</p> <p>5 Q. Did you type this into a</p> <p>6 document or is this an actual report?</p> <p>7 A. This was from an actual report.</p> <p>8 Q. I know it was from an actual</p> <p>9 report. Is this the actual report or is</p> <p>10 this information that was compiled from the</p> <p>11 actual report?</p> <p>12 A. This is the report.</p> <p>13 Q. Okay. And there is no heading</p> <p>14 on it. There is no -- there is no -- it's</p> <p>15 just -- when you print the report, it shows</p> <p>16 up just like this?</p> <p>17 A. This was from the report that</p> <p>18 was generated.</p> <p>19 Q. My question is: This is the</p> <p>20 report itself when you printed out -- did</p> <p>21 you print out the report?</p> <p>22 A. I don't know if I printed the</p> <p>23 report.</p> <p>24 Q. Is this the way the report</p> <p>25 looks when you ran it?</p>	<p style="text-align: right;">Page 56</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Any findings that would be</p> <p>3 relative to this investigation or response</p> <p>4 would have been communicated.</p> <p>5 MR. MOSER: Could you read back</p> <p>6 the question, please.</p> <p>7 (Whereupon, the referred to</p> <p>8 question was read back by the</p> <p>9 Reporter.)</p> <p>10 A. If he was, but he wasn't.</p> <p>11 Q. Okay. So as of the date that</p> <p>12 you sent it, you did not find any evidence</p> <p>13 that he was actually classified as a</p> <p>14 warehouseman under the collective</p> <p>15 bargaining agreement. Is that fair to say?</p> <p>16 A. Sorry, can you repeat that?</p> <p>17 Q. As of the date that you sent</p> <p>18 this e-mail, is it fair to say that you had</p> <p>19 not found any evidence that Justin Veigh</p> <p>20 was actually hired as a warehouseman under</p> <p>21 the terms of the collective bargaining</p> <p>22 agreement?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Let's move down to</p> <p>25 SWS-249.</p>

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<p style="text-align: right;">Page 57</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Is this an e-mail chain between</p> <p>3 you and Ena Scott and Tatiana Herdozia?</p> <p>4 A. Yes, it is.</p> <p>5 Q. Okay. Is this your</p> <p>6 handwriting?</p> <p>7 A. Yes, it is.</p> <p>8 Q. Can you please read your</p> <p>9 handwriting into the record?</p> <p>10 A. "Confirmed with Beth okay to</p> <p>11 meet with them. Agreed that Muñoz to</p> <p>12 conduct job analysis to determine if</p> <p>13 position warehouse or clerical."</p> <p>14 Q. And what did you mean by this</p> <p>15 note?</p> <p>16 A. Muñoz is referencing Michael</p> <p>17 Muñoz, who is the director of safety who</p> <p>18 handles Workers' Compensation</p> <p>19 classifications.</p> <p>20 Q. This review that Mr. Muñoz</p> <p>21 would have been doing would have been</p> <p>22 solely with regard to the Workers'</p> <p>23 Compensation classification, correct?</p> <p>24 A. Correct.</p> <p>25 Q. And let's go to SWS-250.</p>	<p style="text-align: right;">Page 59</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. It's their statement. They</p> <p>3 started at time of adjustment.</p> <p>4 Q. Okay. Thank you. Let's look</p> <p>5 at SWS-251.</p> <p>6 Is this an e-mail from you to</p> <p>7 Josienne Sajous?</p> <p>8 A. Can you confirm the dates?</p> <p>9 Q. Dated June 3, 2013.</p> <p>10 A. And the time?</p> <p>11 Q. At 5:10 p.m.</p> <p>12 A. Yes. As noted, it is from me</p> <p>13 to Josienne.</p> <p>14 Q. Is this in response to an</p> <p>15 e-mail that you received from Josienne</p> <p>16 Sajous on Monday June 3, 2013, at 11:07</p> <p>17 a.m.?</p> <p>18 A. I am sorry, if you start just</p> <p>19 in one location and either go slowly up or</p> <p>20 go down so I can track it, please.</p> <p>21 Q. That e-mail that you sent was</p> <p>22 responding to an e-mail from Josienne</p> <p>23 Sajous on Monday, June 3rd, 2013, at 11:07</p> <p>24 a.m.?</p> <p>25 A. If you can scroll down, so I</p>
<p style="text-align: right;">Page 58</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Is this your handwriting?</p> <p>3 A. Yes, it is.</p> <p>4 Q. Could you please read that into</p> <p>5 the record?</p> <p>6 A. "May 30th, 2013, Tatiana and</p> <p>7 Ena, 2:10 to 2:40, status of breaks. Told</p> <p>8 AO" -- meaning "as of" -- "12/2008, they</p> <p>9 were part of the union and Justin was hired</p> <p>10 in winter of 2009. First annual increase</p> <p>11 11/2009, which is why everyone at same</p> <p>12 rate. They started at time of adjustment</p> <p>13 in 2010. Justin was included in the</p> <p>14 increase to account for the change from 35</p> <p>15 hours to 40 hours and since he was hired</p> <p>16 after being unionized, he shouldn't have</p> <p>17 received increase. Thankful for Muñoz'</p> <p>18 reviewing job function with them and fast</p> <p>19 response. Should have spoken with DJM" --</p> <p>20 standing for "Dina J. Margolis" -- "a long</p> <p>21 time ago and not listened to Ronnie."</p> <p>22 Q. When we look at the middle of</p> <p>23 the page, there is a star there. Is that</p> <p>24 information that you relate to them or is</p> <p>25 that information that they relate to you?</p>	<p style="text-align: right;">Page 60</p> <p>1 D. WALD-MARGOLIS</p> <p>2 can confirm that is the first or the last</p> <p>3 of the pages. Okay, if you will scroll up,</p> <p>4 please.</p> <p>5 Q. Sure.</p> <p>6 A. Can you scroll up, please.</p> <p>7 Q. Sure.</p> <p>8 A. So, yes, the 5/10 e-mail is the</p> <p>9 response to the e-mail she had sent.</p> <p>10 Q. Let's go down to SWS-000258.</p> <p>11 Could you tell me what this</p> <p>12 document is?</p> <p>13 A. We are all looking at the same</p> <p>14 e-mail. This is an e-mail from me to</p> <p>15 Josienne on Wednesday, June 19, 2019, at</p> <p>16 9:13 a.m.</p> <p>17 Q. And were you responding to an</p> <p>18 e-mail from her?</p> <p>19 A. Can you scroll up, please.</p> <p>20 Yes, it has the same subject line.</p> <p>21 Q. Now, she says here, "I want to</p> <p>22 be classified as warehouse and earn</p> <p>23 warehouse pay."</p> <p>24 Do you know what she means by</p> <p>25 that?</p>

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<p>1 D. WALD-MARGOLIS</p> <p>2 A. I don't recall.</p> <p>3 Q. Is warehouse different than</p> <p>4 clerical pay under the CBA?</p> <p>5 A. I don't recall.</p> <p>6 Q. And when you responded to this</p> <p>7 e-mail on June 19, 2013, had you done any</p> <p>8 research into whether or not these</p> <p>9 particular women -- when I say "these</p> <p>10 women," I mean Ena Scott, Tatiana Herdozia,</p> <p>11 and Josienne Sajous -- whether they could</p> <p>12 have been reclassified or should have been</p> <p>13 reclassified as "warehouse" under the</p> <p>14 contract?</p> <p>15 A. I don't recall.</p> <p>16 Q. If we go to SWS-000262, what is</p> <p>17 this document?</p> <p>18 A. It's a memo that is dated June</p> <p>19 20th, 2013, from me to Beth Toohig.</p> <p>20 Q. And what is this document? Is</p> <p>21 this the result of your investigation?</p> <p>22 MS. CABRERA: Objection to the</p> <p>23 form of the question.</p> <p>24 Q. What is this document?</p> <p>25 A. Can you scroll down?</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 Q. Okay. Just tell me when you</p> <p>3 want me to scroll down?</p> <p>4 A. Scroll, please.</p> <p>5 Can you repeat your questions,</p> <p>6 please?</p> <p>7 Q. As of the date you wrote this</p> <p>8 report, had you found any evidence to</p> <p>9 suggest that Justin Veigh was hired as a</p> <p>10 warehouseman? By "hired as warehouseman,"</p> <p>11 I mean hired as an individual classified as</p> <p>12 a warehouseman under the terms of the</p> <p>13 collective bargaining agreement?</p> <p>14 A. No.</p> <p>15 Q. Okay. If you had found any</p> <p>16 evidence to suggest that Justin Veigh had</p> <p>17 been hired or at any time was a</p> <p>18 warehouse-classified employee, would you</p> <p>19 have included that in your report?</p> <p>20 A. Yes.</p> <p>21 Q. Did you thoroughly review all</p> <p>22 relevant documents before preparing this</p> <p>23 report?</p> <p>24 A. Yes.</p> <p>25 Q. And did you follow all</p>
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<p>1 D. WALD-MARGOLIS</p> <p>2 Q. Sure.</p> <p>3 A. It's just a one-page document.</p> <p>4 Q. There are several pages. You</p> <p>5 want me to continue scrolling down? I can.</p> <p>6 A. Yes. I would appreciate it</p> <p>7 just to be able to look at this. Okay.</p> <p>8 Next page. Next page, please. Next page,</p> <p>9 please. Next page, please.</p> <p>10 Q. That is the end.</p> <p>11 A. Okay. So, yes, this would be</p> <p>12 the investigation recap.</p> <p>13 Q. Did you prepare this document?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And as of the date you</p> <p>16 prepared this document, did you find any</p> <p>17 evidence to suggest that Justin Veigh had</p> <p>18 been hired as a warehouseman under the</p> <p>19 terms of the collective bargaining</p> <p>20 agreement?</p> <p>21 A. I would have to reread the</p> <p>22 notes.</p> <p>23 Q. Well, let's go to the</p> <p>24 conclusions -- which notes?</p> <p>25 A. The investigation, the memo.</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 procedures and guidelines set by Southern</p> <p>3 for investigating claims of discrimination?</p> <p>4 A. Yes.</p> <p>5 Q. I am going to show you what has</p> <p>6 been marked as -- what will be marked as</p> <p>7 Exhibit 17, Plaintiff's Exhibit 17, and I</p> <p>8 would like you to take a look at this</p> <p>9 document.</p> <p>10 MS. HOLMS: 17 is not showing.</p> <p>11 MR. MOSER: What do you mean</p> <p>12 "is not showing"?</p> <p>13 MS. HOLMS: Well, I am still</p> <p>14 looking at Exhibit 19.</p> <p>15 MR. MOSER: Oh, because I have</p> <p>16 to do a different screen share. Hold</p> <p>17 on. Okay.</p> <p>18 MS. HOLMS: There we go.</p> <p>19 Actually, that is 21. Did you want</p> <p>20 17 or 21?</p> <p>21 MR. MOSER: This was the</p> <p>22 original numbering on it, but this</p> <p>23 will be 17.</p> <p>24 MS. HOLMS: Let me get clarity</p> <p>25 on the way the numbers of the</p>

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<p>1 D. WALD-MARGOLIS</p> <p>2 exhibits are being marked. So far, I</p> <p>3 marked 14, 15, 19. Now this one,</p> <p>4 although it reads "to be marked 21,"</p> <p>5 you want to mark it 17?</p> <p>6 MR. MOSER: No, it was 14, 15,</p> <p>7 and 19 was supposed to be 16. So,</p> <p>8 it's 14, 15, 16.</p> <p>9 MS. HOLMS: Okay. Okay.</p> <p>10 Great.</p> <p>11 MR. MOSER: We're going in</p> <p>12 numerical order.</p> <p>13 MS. HOLMS: Okay.</p> <p>14 Q. Mrs. Wald-Margolis, let me know</p> <p>15 when you would like me to scroll down?</p> <p>16 A. If you can shrink it just a</p> <p>17 little bit. And if there is a question to</p> <p>18 this document, can you please repeat your</p> <p>19 question?</p> <p>20 Q. I just want to have a chance to</p> <p>21 review it first, then I would have a</p> <p>22 question for you.</p> <p>23 A. Okay. Just scroll down,</p> <p>24 please. Is there more to this document?</p> <p>25 Q. No. This is a one-page</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 Q. Do you recognize that</p> <p>3 signature?</p> <p>4 A. No, I do not.</p> <p>5 Q. Did you review this document</p> <p>6 before coming to the conclusions in your</p> <p>7 investigation that you just reviewed?</p> <p>8 A. I don't recall.</p> <p>9 Q. Is it fair to say that Southern</p> <p>10 takes claims of discrimination seriously?</p> <p>11 A. I am sorry. Can you repeat</p> <p>12 that?</p> <p>13 Q. Is it fair to say that Southern</p> <p>14 takes claims of discrimination in the</p> <p>15 workplace seriously?</p> <p>16 A. I am not employed at Southern</p> <p>17 now. I can't answer.</p> <p>18 Q. At the time period that you</p> <p>19 were employed there, did you believe that</p> <p>20 Southern took claims of discrimination in</p> <p>21 the workplace seriously?</p> <p>22 A. Yes.</p> <p>23 Q. In your opinion, did Southern</p> <p>24 thoroughly investigate any claim of</p> <p>25 discrimination that was made while you were</p>
Page 66	Page 68
<p>1 D. WALD-MARGOLIS</p> <p>2 document.</p> <p>3 A. Okay.</p> <p>4 MS. CABRERA: Before any</p> <p>5 questions are asked, I am going to</p> <p>6 note my objection for the record.</p> <p>7 This does not appear to be a document</p> <p>8 that has been exchanged in discovery</p> <p>9 as well as portions of the prior</p> <p>10 exhibit, and so we will be moving to</p> <p>11 strike all exhibits used in this</p> <p>12 deposition that are not a part of</p> <p>13 this case.</p> <p>14 But go ahead. Ask your</p> <p>15 questions.</p> <p>16 Q. Do you recognize this document?</p> <p>17 A. No, I don't.</p> <p>18 Q. Does your handwriting appear on</p> <p>19 this document anywhere?</p> <p>20 A. Can you scroll down. No, it</p> <p>21 does not.</p> <p>22 Q. There is a signature on here.</p> <p>23 Do you recognize that signature as Greg</p> <p>24 Frezie (phonetic)?</p> <p>25 MS. CABRERA: Objection.</p>	<p>1 D. WALD-MARGOLIS</p> <p>2 employed there?</p> <p>3 A. Yes.</p> <p>4 Q. And in your opinion, did</p> <p>5 Southern take remedial steps, if necessary,</p> <p>6 to eliminate discrimination in the</p> <p>7 workplace, if necessary?</p> <p>8 A. I don't know.</p> <p>9 Q. When you conducted these</p> <p>10 investigations, are you conducting the</p> <p>11 investigation in any way to protect</p> <p>12 Southern?</p> <p>13 A. The investigation is to provide</p> <p>14 the outcome.</p> <p>15 Q. Okay. Your paycheck is signed</p> <p>16 by somebody at Southern, correct?</p> <p>17 A. Not currently.</p> <p>18 Q. When you were working there,</p> <p>19 you were receiving a paycheck from</p> <p>20 Southern?</p> <p>21 A. Correct.</p> <p>22 Q. Did you feel any pressure to</p> <p>23 ever report that there was no</p> <p>24 discrimination when you believed there was</p> <p>25 discrimination?</p>

17 (Pages 65 to 68)

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<p style="text-align: right;">Page 69</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. No.</p> <p>3 Q. When you did this particular</p> <p>4 investigation, did you ever look into the</p> <p>5 composition of the warehouse classification</p> <p>6 at the warehouse?</p> <p>7 A. Can you restate your question?</p> <p>8 Q. When you prepared this report</p> <p>9 or this memo of your investigation, which</p> <p>10 begins on SWS-262, had you looked into the</p> <p>11 gender makeup of the warehouse</p> <p>12 classification?</p> <p>13 A. I don't recall.</p> <p>14 Q. Had you looked into the gender</p> <p>15 makeup of the clerical classification at</p> <p>16 the time you wrote this?</p> <p>17 A. I don't recall.</p> <p>18 Q. Is that something that should</p> <p>19 have been done before preparing this</p> <p>20 report?</p> <p>21 A. If it was in the course and</p> <p>22 scope of the nature of the investigation,</p> <p>23 then it would have been looked into.</p> <p>24 Q. So you would have looked into</p> <p>25 the gender composition of the warehouse,</p>	<p style="text-align: right;">Page 71</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. These three women, did any of</p> <p>3 them ever file any EEO charges with the</p> <p>4 EEOC?</p> <p>5 A. I don't recall.</p> <p>6 Q. So would that be something that</p> <p>7 you would have known if they had filed</p> <p>8 federal complaints alleging discrimination?</p> <p>9 A. I don't recall.</p> <p>10 Q. So you don't know if they did</p> <p>11 or you don't recall one way or the other?</p> <p>12 A. I don't recall.</p> <p>13 Q. Okay. So they could have filed</p> <p>14 a federal complaint; they could not have.</p> <p>15 We don't know?</p> <p>16 A. Correct.</p> <p>17 Q. And they could have filed</p> <p>18 charges with the EEOC against Southern;</p> <p>19 they could not have. We don't know?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. And was there any</p> <p>22 investigation beyond your investigation</p> <p>23 into these claims?</p> <p>24 A. I don't know.</p> <p>25 Q. Did you ever speak -- and I</p>
<p style="text-align: right;">Page 70</p> <p>1 D. WALD-MARGOLIS</p> <p>2 correct?</p> <p>3 MS. CABRERA: Objection.</p> <p>4 Q. Would you have looked into the</p> <p>5 gender composition of the warehouse with</p> <p>6 regard to these claims that these women</p> <p>7 were classified differently based on sex?</p> <p>8 A. I don't recall.</p> <p>9 Q. I know you don't recall if you</p> <p>10 did, but is that something that you would</p> <p>11 have done?</p> <p>12 A. Yes.</p> <p>13 Q. Do you recall anything about</p> <p>14 the gender makeup of the warehouse</p> <p>15 classification?</p> <p>16 A. I don't recall.</p> <p>17 Q. Do you recall anything about</p> <p>18 the gender makeup of the clerical</p> <p>19 classification?</p> <p>20 A. I don't recall.</p> <p>21 Q. Now, these three women, Ena</p> <p>22 Scott, Tatiana Herdozia, and Josienne</p> <p>23 Sajous, did they eventually file a federal</p> <p>24 lawsuit against Southern?</p> <p>25 A. I don't know.</p>	<p style="text-align: right;">Page 72</p> <p>1 D. WALD-MARGOLIS</p> <p>2 don't want to know what you said to them --</p> <p>3 did you ever speak to an individual by the</p> <p>4 name of Keith Forel?</p> <p>5 A. The name I don't even recall.</p> <p>6 Q. Did you question Maria about</p> <p>7 what had happened that these women came to</p> <p>8 learn about the fact that they believed</p> <p>9 they have classified differently?</p> <p>10 A. I don't recall.</p> <p>11 Q. Did you ever report to anyone</p> <p>12 anything about Maria's involvement in these</p> <p>13 allegations of discrimination?</p> <p>14 A. Can you restate your question?</p> <p>15 Q. Did you ever have any</p> <p>16 conversations with anyone at Southern about</p> <p>17 Maria's involvement in these claims of</p> <p>18 discrimination?</p> <p>19 A. I don't recall.</p> <p>20 Q. Did you meet with Maria as part</p> <p>21 of your investigation?</p> <p>22 A. I don't recall.</p> <p>23 Q. Now, the way you performed this</p> <p>24 investigation, is that consistent with the</p> <p>25 way Southern would investigate other claims</p>

18 (Pages 69 to 72)

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<p style="text-align: right;">Page 73</p> <p>1 D. WALD-MARGOLIS</p> <p>2 of discrimination or retaliation?</p> <p>3 A. That's my understanding.</p> <p>4 Q. Okay. Is that a "yes"?</p> <p>5 A. To the best of my knowledge,</p> <p>6 yes.</p> <p>7 Q. Okay. And at any point during</p> <p>8 your employment with Southern after May</p> <p>9 5th, 2016, did you speak with Maria?</p> <p>10 A. No.</p> <p>11 Q. So let me clarify that because</p> <p>12 I think I have the date wrong. If we go</p> <p>13 back to May of 2013, did you speak with</p> <p>14 Maria in May of 2013?</p> <p>15 A. Can you make that a little</p> <p>16 bigger, please?</p> <p>17 Q. Sure.</p> <p>18 A. Thank you. I may have spoken</p> <p>19 to Maria in May of 2013.</p> <p>20 Q. Do you recall any conversation</p> <p>21 that you had with Maria about the job</p> <p>22 classifications of her subordinates?</p> <p>23 A. I recall meeting with Maria</p> <p>24 about this.</p> <p>25 Q. Can you tell me everything that</p>	<p style="text-align: right;">Page 75</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. I don't recall.</p> <p>3 Q. Do you know if there's a</p> <p>4 monthly meeting or a weekly meeting that</p> <p>5 you attended?</p> <p>6 A. I don't recall.</p> <p>7 Q. Do you recall approximately how</p> <p>8 many meetings you attended on a yearly</p> <p>9 basis in 2013?</p> <p>10 A. I don't recall.</p> <p>11 Q. At any time between -- from the</p> <p>12 beginning of 2014 until the end of your</p> <p>13 employment, do you remember having any</p> <p>14 regular --</p> <p>15 A. Hold on, my cat is about to</p> <p>16 jump on my computer. I am sorry.</p> <p>17 Q. That is fine. From January</p> <p>18 2014 until you separated from employment</p> <p>19 with Southern, do you recall if you</p> <p>20 attended any business meetings regularly at</p> <p>21 Southern?</p> <p>22 A. I don't recall.</p> <p>23 Q. Did you meet with any attorneys</p> <p>24 at Southern regarding Maria Suarez at any</p> <p>25 time?</p>
<p style="text-align: right;">Page 74</p> <p>1 D. WALD-MARGOLIS</p> <p>2 you remember about that particular meeting?</p> <p>3 A. I recall meeting with her. It</p> <p>4 was the communication of the women who</p> <p>5 reported to her and how they felt that they</p> <p>6 were treated differently based upon the</p> <p>7 classification that was stated as the</p> <p>8 Workers' Compensation code and that I would</p> <p>9 be following up with the employees</p> <p>10 directly.</p> <p>11 Q. So in 2013, were there regular</p> <p>12 meetings that you attended at Southern?</p> <p>13 A. Is Angie back on?</p> <p>14 Q. Oh, sorry, yeah. Your attorney</p> <p>15 is not here. I withdraw the question. My</p> <p>16 apologies.</p> <p>17 MS. CABRERA: I am here.</p> <p>18 MR. MOSER: Okay. Great.</p> <p>19 Q. So let me just repeat the</p> <p>20 question. In 2013, did you attend meetings</p> <p>21 at Southern on a regular basis?</p> <p>22 A. Can you clarify your question?</p> <p>23 Q. Well, did you meet with other</p> <p>24 employees in the conference room or</p> <p>25 individually on an ongoing basis?</p>	<p style="text-align: right;">Page 76</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Not that I recall.</p> <p>3 Q. Did you meet with any attorney</p> <p>4 of Southern regarding Ena Scott, Tatiana</p> <p>5 Herdozia, or Josienne Sajous?</p> <p>6 A. I don't recall.</p> <p>7 Q. Were you ever present at any</p> <p>8 meeting in which the management of Southern</p> <p>9 discussed the claims made by either Ena</p> <p>10 Scott, Tatiana Herdozia, or Josienne</p> <p>11 Sajous?</p> <p>12 A. I don't recall.</p> <p>13 Q. Do you believe that Maria was</p> <p>14 to blame for these women believing they</p> <p>15 were discriminated against?</p> <p>16 A. No.</p> <p>17 Q. And do you think that Maria was</p> <p>18 responsible for the fact that these women</p> <p>19 made claims of discrimination against</p> <p>20 Southern?</p> <p>21 A. I am unaware that they made</p> <p>22 claims against...</p> <p>23 Q. I am not talking about a formal</p> <p>24 charge. I am talking about the claims that</p> <p>25 were memorialized in the e-mails they have</p>

19 (Pages 73 to 76)

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<p style="text-align: right;">Page 77</p> <p>1 D. WALD-MARGOLIS</p> <p>2 seen so far.</p> <p>3 A. Oh, okay. Can you repeat your</p> <p>4 question?</p> <p>5 Q. My question is --</p> <p>6 MR. MOSER: Could you read back</p> <p>7 the question for the witness.</p> <p>8 (Whereupon, the referred to</p> <p>9 question was read back by the</p> <p>10 Reporter.)</p> <p>11 A. No, I don't.</p> <p>12 Q. Okay. Were you involved at all</p> <p>13 in the decision to change Maria's</p> <p>14 classification in 2014?</p> <p>15 A. No.</p> <p>16 Q. And who was involved in that</p> <p>17 decision?</p> <p>18 A. Whomever the hiring manager</p> <p>19 would have been.</p> <p>20 Q. Would that have been Kevin</p> <p>21 Randall?</p> <p>22 A. Possibly.</p> <p>23 MR. MOSER: I need to take a</p> <p>24 one-minute break.</p> <p>25 (Whereupon, a short recess was</p>	<p style="text-align: right;">Page 79</p> <p>1 D. WALD-MARGOLIS</p> <p>2 resigned from Southern and your new job?</p> <p>3 A. Not that I recall.</p> <p>4 Q. Did you get an increase in</p> <p>5 salary when you got your new job?</p> <p>6 A. I don't believe so.</p> <p>7 Q. Did you have to work fewer</p> <p>8 hours when you got the new job?</p> <p>9 A. No.</p> <p>10 Q. Did you have to work more hours</p> <p>11 when you got your new job?</p> <p>12 A. It was the same. It was</p> <p>13 comparable.</p> <p>14 Q. So it was the same pay. Was it</p> <p>15 the same hours? Was it the same</p> <p>16 responsibility?</p> <p>17 A. It was no longer in talent</p> <p>18 acquisition.</p> <p>19 Q. Okay. Was the stress of the</p> <p>20 job more or less the same?</p> <p>21 A. Probably more.</p> <p>22 Q. More stress after you left?</p> <p>23 A. Yes.</p> <p>24 Q. Why was it more stressful?</p> <p>25 A. Because it was building up an</p>
<p style="text-align: right;">Page 78</p> <p>1 D. WALD-MARGOLIS</p> <p>2 taken.)</p> <p>3 Q. Now, why did your employment</p> <p>4 with Southern end?</p> <p>5 A. Resigned.</p> <p>6 Q. Why did you resign?</p> <p>7 A. Another opportunity.</p> <p>8 Q. When did you begin searching</p> <p>9 for another opportunity?</p> <p>10 A. Probably April or May of 2016.</p> <p>11 Q. And why did you begin looking</p> <p>12 for another opportunity?</p> <p>13 A. Personal choice.</p> <p>14 Q. And what was that personal</p> <p>15 choice motivated by?</p> <p>16 A. Just time to move on from</p> <p>17 Southern.</p> <p>18 Q. You had worked with Southern</p> <p>19 for how many years at that point?</p> <p>20 A. I believe we agreed it was 11.</p> <p>21 Q. Okay. What was your salary at</p> <p>22 that point in time?</p> <p>23 A. I don't recall.</p> <p>24 Q. Was there any lapse in the</p> <p>25 employment between the time that you</p>	<p style="text-align: right;">Page 80</p> <p>1 D. WALD-MARGOLIS</p> <p>2 HR department.</p> <p>3 Q. Was there anything that</p> <p>4 precipitated your decision to move on?</p> <p>5 A. Personal choices.</p> <p>6 Q. Can you remember any of those</p> <p>7 personal reasons or choices why you wanted</p> <p>8 to move on?</p> <p>9 A. It was a catalyst of my</p> <p>10 father's death.</p> <p>11 Q. Okay. I apologize.</p> <p>12 And was there some type of</p> <p>13 falling out between you and anyone at</p> <p>14 Southern?</p> <p>15 A. Not that I am aware.</p> <p>16 Q. So can you explain for me --</p> <p>17 and I don't need to know all the detail.</p> <p>18 Can you explain to me what motivated your</p> <p>19 decision or why you decided to leave</p> <p>20 Southern after 11 years?</p> <p>21 A. It was a very personal decision</p> <p>22 predicated on my father's passing that it</p> <p>23 was time to move on.</p> <p>24 Q. Were there any other reasons</p> <p>25 why you moved on?</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. None that I am aware of.</p> <p>3 Q. Do you think that you were</p> <p>4 being treated fairly by Southern?</p> <p>5 A. Yeah.</p> <p>6 Q. Did you feel as though you had</p> <p>7 friends at Southern?</p> <p>8 A. I am sorry, you broke up on</p> <p>9 that.</p> <p>10 Q. Did you believe you had friends</p> <p>11 at Southern?</p> <p>12 A. Yes.</p> <p>13 Q. Did anyone at Southern ever ask</p> <p>14 you to do or say anything that you believed</p> <p>15 betrayed your ideals?</p> <p>16 A. No.</p> <p>17 Q. At least at the time that you</p> <p>18 were employed at Southern, did they keep</p> <p>19 records of who was considered for a</p> <p>20 particular position?</p> <p>21 A. Within Tolleya.</p> <p>22 Q. Correct. Right. And did they</p> <p>23 also keep records of who was interviewed</p> <p>24 for a particular position?</p> <p>25 A. To the best of my knowledge,</p>	<p style="text-align: right;">Page 83</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Let's say you supervised -- I</p> <p>3 don't know -- Charlie Chaplin, right. If</p> <p>4 we looked at Charlie's file, it would show</p> <p>5 that you were his manager?</p> <p>6 A. The electronic system would,</p> <p>7 yes.</p> <p>8 Q. Have you ever seen anybody at</p> <p>9 Southern with more than one manager?</p> <p>10 A. I don't recall.</p> <p>11 Q. Can you think of anybody who</p> <p>12 had more than one manager?</p> <p>13 A. I don't recall.</p> <p>14 Q. Did you ever have more than one</p> <p>15 manager?</p> <p>16 A. Not at any one time.</p> <p>17 Q. And was it Southern's policy</p> <p>18 that each employee would have one manager</p> <p>19 at one time?</p> <p>20 A. I don't know.</p> <p>21 Q. Do you know what the difference</p> <p>22 between a manager and a supervisor is?</p> <p>23 A. Yes.</p> <p>24 Q. What is the difference between</p> <p>25 a manager and a supervisor?</p>
<p style="text-align: right;">Page 82</p> <p>1 D. WALD-MARGOLIS</p> <p>2 it's -- it was in Tolleya, recorded all of</p> <p>3 it.</p> <p>4 Q. Okay. So that information</p> <p>5 would have been recorded in Tolleya if</p> <p>6 there was an interview; is that correct?</p> <p>7 A. That is my understanding.</p> <p>8 Q. And did Southern also record</p> <p>9 who was hired for a particular position?</p> <p>10 A. Yes.</p> <p>11 Q. Did Southern keep records of</p> <p>12 who had managerial authority?</p> <p>13 A. I don't know.</p> <p>14 Q. Well, does every single</p> <p>15 employee at Southern have a direct report?</p> <p>16 And I am not talking about now. I am</p> <p>17 talking about the time that you worked</p> <p>18 there. Did every single employee at</p> <p>19 Southern report to someone?</p> <p>20 A. Yes.</p> <p>21 Q. Was that direct report listed</p> <p>22 anywhere in their employee file?</p> <p>23 A. Yes.</p> <p>24 Q. Where was it listed?</p> <p>25 A. Whatever system they had.</p>	<p style="text-align: right;">Page 84</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. A supervisor would report to a</p> <p>3 manager with the supervisor having</p> <p>4 different responsibilities than a manager.</p> <p>5 Q. At Southern, how were those</p> <p>6 responsibilities different?</p> <p>7 A. I don't know.</p> <p>8 Q. But is it fair to say that the</p> <p>9 responsibilities of a supervisor and of a</p> <p>10 manager were different?</p> <p>11 A. Yes.</p> <p>12 Q. Is it fair to say that a</p> <p>13 supervisor always reported to a manager?</p> <p>14 A. I don't know.</p> <p>15 Q. The individuals that were</p> <p>16 supervised by a supervisor, who did they</p> <p>17 report to? Did they report to the</p> <p>18 supervisor's manager?</p> <p>19 A. They could. I don't know. I</p> <p>20 don't recall how departments were set up</p> <p>21 and reporting structures.</p> <p>22 Q. But if somebody had managerial</p> <p>23 authority that would be something that</p> <p>24 would be reflected in the records of</p> <p>25 Southern; is that fair to say?</p>

21 (Pages 81 to 84)

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<p style="text-align: right;">Page 85</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And let's talk about</p> <p>4 union employees just for a second. What</p> <p>5 role did managers have in managing union</p> <p>6 employees? Let's talk about Local 1?</p> <p>7 A. Can you be more specific,</p> <p>8 please?</p> <p>9 Q. Well, what role did managers</p> <p>10 have in managing employees of Local 1?</p> <p>11 Could they terminate them?</p> <p>12 MS. CABRERA: Objection to the</p> <p>13 form of the question.</p> <p>14 A. Managers could fire and hire.</p> <p>15 Q. Could supervisors hire and</p> <p>16 fire?</p> <p>17 A. I don't recall.</p> <p>18 Q. Do you recall any supervisor</p> <p>19 who hired and fired any individual?</p> <p>20 A. I don't recall.</p> <p>21 Q. Did supervisors interview</p> <p>22 candidates?</p> <p>23 A. I don't recall.</p> <p>24 Q. When you were at Southern, were</p> <p>25 there employee files?</p>	<p style="text-align: right;">Page 87</p> <p>1 D. WALD-MARGOLIS</p> <p>2 investigation files at Southern?</p> <p>3 A. Yes.</p> <p>4 Q. What were the investigation</p> <p>5 files for?</p> <p>6 A. If there was a matter that was</p> <p>7 to be investigated, there is --</p> <p>8 Q. Were there investigation files</p> <p>9 for matters, were there investigation files</p> <p>10 for employees, or a combination?</p> <p>11 A. An investigation file was</p> <p>12 created if there was a matter to</p> <p>13 investigate.</p> <p>14 Q. Okay. Would that matter</p> <p>15 involve an employee?</p> <p>16 A. Yes.</p> <p>17 Q. And what was the purpose of the</p> <p>18 investigation file?</p> <p>19 A. It contained the investigation</p> <p>20 information.</p> <p>21 Q. Did it say what the employee</p> <p>22 was being investigated for?</p> <p>23 A. It might. It could.</p> <p>24 Q. If an employee was being</p> <p>25 investigated for something, would it say</p>
<p style="text-align: right;">Page 86</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. Yes.</p> <p>3 Q. Okay. What type of information</p> <p>4 was kept in the employee file?</p> <p>5 A. Employment application, résumé,</p> <p>6 an offer letter, letters of discipline or</p> <p>7 commendation or performance review, tax</p> <p>8 forms, change of emergency contacts.</p> <p>9 Q. How about job descriptions?</p> <p>10 A. I don't know.</p> <p>11 Q. Does Southern have a job</p> <p>12 description for every employee?</p> <p>13 A. I don't know.</p> <p>14 Q. What is the purpose of a job</p> <p>15 description?</p> <p>16 A. A job description defines the</p> <p>17 essential functions which are to be</p> <p>18 completed by the person in that role and</p> <p>19 the scope of the function to be completed.</p> <p>20 Might even include education and</p> <p>21 requirements to meet the needs of the</p> <p>22 position and any ADA-required physical</p> <p>23 components to the position: Lifting,</p> <p>24 pulling, pushing, squatting.</p> <p>25 Q. Did you have investigative or</p>	<p style="text-align: right;">Page 88</p> <p>1 D. WALD-MARGOLIS</p> <p>2 what they were being investigated for?</p> <p>3 A. It would depend upon who</p> <p>4 conducted the investigation.</p> <p>5 Q. Did you ever conduct</p> <p>6 investigations?</p> <p>7 A. Yes.</p> <p>8 Q. Did you ever conduct an</p> <p>9 investigation into Maria Suarez?</p> <p>10 A. No.</p> <p>11 Q. Did anyone at Southern ever</p> <p>12 conduct an investigation into Maria Suarez?</p> <p>13 A. I don't know.</p> <p>14 Q. Did you ever see an</p> <p>15 investigation file for Maria Suarez?</p> <p>16 A. No.</p> <p>17 Q. Do you have knowledge whether</p> <p>18 an investigation file for Maria Suarez</p> <p>19 exists or doesn't exist?</p> <p>20 A. I do not.</p> <p>21 Q. Where are the investigation</p> <p>22 files kept?</p> <p>23 A. I don't know.</p> <p>24 Q. Who has access to the</p> <p>25 investigation files or who had access when</p>

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<p style="text-align: right;">Page 89</p> <p>1 D. WALD-MARGOLIS</p> <p>2 you were there?</p> <p>3 A. HR department. The director</p> <p>4 and the -- whomever was conducting the</p> <p>5 investigation.</p> <p>6 Q. So Beth Toohig, when she was</p> <p>7 director of human resources, she would have</p> <p>8 access to the investigation files?</p> <p>9 A. That's correct.</p> <p>10 Q. And who typically would conduct</p> <p>11 an investigation other than Beth Toohig?</p> <p>12 A. Whomever the business partner</p> <p>13 or assigned person was.</p> <p>14 Q. And the business partner or</p> <p>15 assigned person, who were they?</p> <p>16 A. It could have been Michelle</p> <p>17 Meyer or Andrea Metzger.</p> <p>18 Q. Could it have been anybody else</p> <p>19 besides Elizabeth Toohig, Michelle Meyer,</p> <p>20 or Andrea Metzger?</p> <p>21 A. While I was employed there,</p> <p>22 there was another person, Halley Burns.</p> <p>23 Q. Anyone else?</p> <p>24 A. Those are the only people while</p> <p>25 I was employed.</p>	<p style="text-align: right;">Page 91</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Was it a privately owned</p> <p>3 company?</p> <p>4 A. I don't know.</p> <p>5 Q. Did your reason for leaving</p> <p>6 have anything to do with the fact that</p> <p>7 Southern sells alcohol?</p> <p>8 A. No.</p> <p>9 Q. Let's go back to 2016. During</p> <p>10 that last year that you were at Southern,</p> <p>11 you were in recruitment?</p> <p>12 A. Yes.</p> <p>13 Q. Why had you been put into</p> <p>14 recruitment?</p> <p>15 A. There was a statewide position</p> <p>16 that I had applied for.</p> <p>17 Q. Do you recall any of the duties</p> <p>18 that you had while you were in recruitment?</p> <p>19 A. It was talent acquisition. I</p> <p>20 believe it was a manager-based position for</p> <p>21 the State of New York.</p> <p>22 Q. Okay. And were you involved in</p> <p>23 the promotion of any individuals within</p> <p>24 Southern?</p> <p>25 A. I was not a decision maker.</p>
<p style="text-align: right;">Page 90</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Was Halley Burns an employee of</p> <p>3 Southern?</p> <p>4 A. Yes.</p> <p>5 Q. Were Michelle and Andrea</p> <p>6 Metzger employees of Southern?</p> <p>7 A. Yes.</p> <p>8 Q. Who assisted these individuals</p> <p>9 in the investigations?</p> <p>10 A. I don't -- I have no knowledge.</p> <p>11 Q. Did attorneys sometimes assist</p> <p>12 these individuals in their investigations?</p> <p>13 A. I don't know.</p> <p>14 Q. Did attorneys ever come to the</p> <p>15 human resource department of Southern Wine</p> <p>16 and Spirits?</p> <p>17 A. Yes.</p> <p>18 Q. For what reason would they</p> <p>19 come? I don't want to know about what was</p> <p>20 discussed. I don't want to know what they</p> <p>21 said. I want to know why they came to the</p> <p>22 HR department?</p> <p>23 A. They conducted compliance</p> <p>24 training and they would come to discuss</p> <p>25 matters relating to the company.</p>	<p style="text-align: right;">Page 92</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Were you involved at all in the</p> <p>3 promotion of individuals in Southern?</p> <p>4 A. So the responsibilities were</p> <p>5 ensuring that the jobs were posted,</p> <p>6 applications were funneled through for</p> <p>7 interviews, and processed based on the</p> <p>8 decisions that were made upon these</p> <p>9 interviews.</p> <p>10 Q. And did you have that</p> <p>11 responsibility for the entire State of New</p> <p>12 York?</p> <p>13 A. Yes.</p> <p>14 Q. If Maria Suarez had been</p> <p>15 reclassified and her duties changed, let's</p> <p>16 say, in May of 2016, is that something you</p> <p>17 would have been involved in?</p> <p>18 A. If she had applied for another</p> <p>19 position.</p> <p>20 Q. So if she applied for the</p> <p>21 position, you would have been involved in</p> <p>22 that?</p> <p>23 A. Can you clarify your question?</p> <p>24 Q. If anyone in the State of New</p> <p>25 York applied for a managerial position at</p>

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<p style="text-align: right;">Page 93</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Southern, would you have been involved in</p> <p>3 that?</p> <p>4 A. I need a better understanding</p> <p>5 of what "involved" is.</p> <p>6 Q. Well, did you have any role in</p> <p>7 it at all?</p> <p>8 A. From a process standpoint, not</p> <p>9 a decision-based.</p> <p>10 Q. From the process standpoint,</p> <p>11 what was your role?</p> <p>12 A. To ensure the position was</p> <p>13 posted, applicants were processed through</p> <p>14 to the hiring manager, and dispositioned</p> <p>15 accordingly.</p> <p>16 Q. And who determined what the job</p> <p>17 description would be?</p> <p>18 A. I don't know.</p> <p>19 Q. Did you actually create the job</p> <p>20 posting?</p> <p>21 A. Yes.</p> <p>22 Q. And describe for me how you</p> <p>23 would create the job posting?</p> <p>24 A. It was through the -- if I am</p> <p>25 remembering it correctly, through the</p>	<p style="text-align: right;">Page 95</p> <p>1 D. WALD-MARGOLIS</p> <p>2 somebody else?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Did you have the</p> <p>5 authority to create a job description</p> <p>6 without approval from someone else?</p> <p>7 A. No.</p> <p>8 Q. Is it fair to say that every</p> <p>9 job description that you actually created</p> <p>10 was approved by someone else?</p> <p>11 A. Yes.</p> <p>12 Q. And who within the State of New</p> <p>13 York had the authority to approve job</p> <p>14 descriptions?</p> <p>15 A. The hiring managers which were</p> <p>16 department heads, as well as the heads of</p> <p>17 the operational divisions.</p> <p>18 Q. So you create job descriptions,</p> <p>19 is that fair to say, and then there is a</p> <p>20 hiring process, correct?</p> <p>21 A. To the best of my recollection,</p> <p>22 there is a requisition process.</p> <p>23 Q. And there's levels of approval</p> <p>24 for that candidate to get the job; is that</p> <p>25 fair to say?</p>
<p style="text-align: right;">Page 94</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Tolleya system. There was a job</p> <p>3 description that got uploaded or created</p> <p>4 and a job posting went out.</p> <p>5 Q. How did you know which jobs to</p> <p>6 actually post?</p> <p>7 A. It would be either from the</p> <p>8 directors of the operations or sales, the</p> <p>9 operational lines based upon approved</p> <p>10 requisition process, also through the</p> <p>11 Tolleya system.</p> <p>12 Q. So whose responsibility was it</p> <p>13 to prepare the actual job description?</p> <p>14 A. That would be the hiring</p> <p>15 manager.</p> <p>16 Q. And how would the hiring</p> <p>17 manager prepare the job description?</p> <p>18 A. I don't know.</p> <p>19 Q. Would you actually create the</p> <p>20 job description in Tolleya? Meaning,</p> <p>21 generate it?</p> <p>22 A. If I recall correctly, it was</p> <p>23 an upload.</p> <p>24 Q. Okay. That would be from</p> <p>25 information or directions that you got from</p>	<p style="text-align: right;">Page 96</p> <p>1 D. WALD-MARGOLIS</p> <p>2 A. The requisition, which is a</p> <p>3 request to fill a vacancy, starts the</p> <p>4 process, which has the job description</p> <p>5 attached to it. So there is an approval to</p> <p>6 recruit for that position, and once the</p> <p>7 requisition and authorization to hire for</p> <p>8 that role has been processed, the position</p> <p>9 can be posted for applicants to apply to.</p> <p>10 Q. And then once individuals</p> <p>11 apply, what is the next step in the</p> <p>12 process?</p> <p>13 A. There's the communication to</p> <p>14 the hiring manager of here's the</p> <p>15 applicants.</p> <p>16 Q. Who makes the selection as to</p> <p>17 which applicants to interview?</p> <p>18 A. Hiring manager.</p> <p>19 Q. Who makes the decision as to</p> <p>20 which applicant to hire?</p> <p>21 A. I don't know directly.</p> <p>22 Q. At some point, would the hire</p> <p>23 have to be approved by different</p> <p>24 individuals other than the hiring manager?</p> <p>25 A. I don't know.</p>

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<p style="text-align: right;">Page 97</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Q. Did Roy Cohen ever have to</p> <p>3 approve the hiring of any individual?</p> <p>4 A. I don't know.</p> <p>5 MR. MOSER: Just bear with me</p> <p>6 one second.</p> <p>7 MS. CABRERA: If you're going</p> <p>8 to be much longer, I need a break.</p> <p>9 MR. MOSER: I am almost done.</p> <p>10 I will be done in ten minutes. I</p> <p>11 don't know. Is that enough?</p> <p>12 MS. CABRERA: Okay. Just if</p> <p>13 you're going to go beyond that, I am</p> <p>14 going to need a break.</p> <p>15 MR. MOSER: Gotcha.</p> <p>16 Q. Were the job descriptions used</p> <p>17 as a basis for evaluating the employee's</p> <p>18 performance?</p> <p>19 A. I don't know.</p> <p>20 Q. Did you ever review any</p> <p>21 performance evaluations?</p> <p>22 A. In my tenure at Skyline, yes, I</p> <p>23 did.</p> <p>24 Q. How about at Southern?</p> <p>25 A. Oh, wrong company. Yes, at</p>	<p style="text-align: right;">Page 99</p> <p>1 D. WALD-MARGOLIS</p> <p>2 MS. HOLMS: This will be 18.</p> <p>3 MR. MOSER: We are up to 18.</p> <p>4 MS. HOLMS: Yes.</p> <p>5 Q. I am going to draw your</p> <p>6 attention to *SGWS-00892, the second page</p> <p>7 here.</p> <p>8 Do you see this last line where</p> <p>9 it says "April 1, 2016"? Do you know what</p> <p>10 this language means: "Created from</p> <p>11 duplication of"?</p> <p>12 A. By the wording of the note,</p> <p>13 it's a duplicate. Meaning, it was copied</p> <p>14 from that other requisition number of 3085.</p> <p>15 Q. And is this something you would</p> <p>16 have done on your own or something you</p> <p>17 would have done with directions from</p> <p>18 somebody else?</p> <p>19 A. If you scroll down below that,</p> <p>20 please.</p> <p>21 Q. Sure.</p> <p>22 A. Keep scrolling down. I don't</p> <p>23 know what that one is, I am sorry. Okay.</p> <p>24 Can you scroll up, please. So the creation</p> <p>25 of a requisition is at the direction of.</p>
<p style="text-align: right;">Page 98</p> <p>1 D. WALD-MARGOLIS</p> <p>2 Southern.</p> <p>3 Q. What was the purpose of your</p> <p>4 review?</p> <p>5 A. As a member of the HR team, we</p> <p>6 would review the information provided by</p> <p>7 the direct manager for content.</p> <p>8 Q. And what do you mean when</p> <p>9 reviewing "for content"? Can you be more</p> <p>10 specific?</p> <p>11 A. To make sure that they</p> <p>12 addressed the questions and performance</p> <p>13 concerns, if there were any; that the goals</p> <p>14 were smart-based goals in order to address</p> <p>15 any deficiencies or commendations.</p> <p>16 Q. Do you know whether employees</p> <p>17 were reviewed based upon their ability to</p> <p>18 perform what was in their job descriptions?</p> <p>19 A. I don't know.</p> <p>20 Q. When we looked at --</p> <p>21 MR. MOSER: I don't think we</p> <p>22 have this marked yet, so this will be</p> <p>23 one last document. Hold on. I don't</p> <p>24 believe I marked this yet. What are</p> <p>25 we up to, 18?</p>	<p style="text-align: right;">Page 100</p> <p>1 D. WALD-MARGOLIS</p> <p>2 That means that somebody wants a position</p> <p>3 filled. So if the job description already</p> <p>4 existed in the system, this Tolleya system,</p> <p>5 you would just duplicate it, and then</p> <p>6 change the characteristics to the New York</p> <p>7 location, the New York Metro location, or</p> <p>8 Upstate. So that is what it meant.</p> <p>9 Q. Okay.</p> <p>10 MR. MOSER: I have no further</p> <p>11 questions. Thank you very much for</p> <p>12 your time.</p> <p>13 MS. CABRERA: Thank you.</p> <p>14 (Whereupon, Plaintiff's</p> <p>15 Exhibits 14 through 18 were marked</p> <p>16 for identification as of this date by</p> <p>17 the Exhibit tech.)</p> <p>18 (Whereupon, at 3:18 P.M., the</p> <p>19 Examination of this witness was</p> <p>20 concluded.)</p> <p>21</p> <p>22 ° ° ° °</p> <p>23</p> <p>24</p> <p>25</p>

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DECLARATION

I hereby certify that having been first duly sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript is a true and correct transcript of the testimony given by me at the time and place specified hereinbefore.

DINA WALD-MARGOLIS

Subscribed and sworn to before me
this _____ day of _____ 20____.

NOTARY PUBLIC

INFORMATION AND/OR DOCUMENTS REQUESTED

INFORMATION AND/OR DOCUMENTS	PAGE
(None)	

QUESTIONS MARKED FOR RULINGS

PAGE LINE QUESTION
(None)

EXHIBITS

PLAINTIFF'S EXHIBITS

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
14	Requisition form	100
15	Requisition Form	100
16	E-Mail	100
17	Hire Notice	100
18	Inventory control	100

(Exhibits retained by Counsel.)

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EXAMINATION BY	PAGE
MR. MOSER	6

CERTIFICATE

STATE OF NEW YORK)
 : SS.:
COUNTY OF KINGS)

I, SANDRA SIERRA, a Notary Public for
and within the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of
the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 13th day of November 2022.

Sandra Sierra

November 21, 2022

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1 ERRATA SHEET FOR: DINA WALD-MARGOLIS
 2 DINA WALD-MARGOLIS, being duly sworn, deposes
 3 and says: I have reviewed the transcript of my
 4 proceeding taken on 11/21/2022. The following
 5 changes are necessary to correct my testimony.

	PAGE LINE	CHANGE	REASON
8	---	-----	-----
9	---	-----	-----
10	---	-----	-----
11	---	-----	-----
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20	---	-----	-----
21	Witness Signature: _____		
22	Subscribed and sworn to, before me		
23	this ____ day of _____, 20 ____.		
24	_____		
25	(NOTARY PUBLIC)	MY COMMISSION EXPIRES	

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